Also, a bill (H. R. 1154) granting insurance to Lydia C. Spry; to the Committee on World War Veterans' Legislation.

Also, a bill (H. R. 1155) for the relief of Eugene A. Dubrule; to the Committee on Naval Affairs.

Also, a bill (H. R. 1156) for the relief of Elizabeth Lizette; to the Committee on Military Affairs.

Also, a bill (H. R. 1157) for the relief of Edward F. Weiskopf; to the Committee on Military Affairs.

Also, a bill (H. R. 1158) for the relief of Louis Shybilska; to the Committee on Naval Affairs.

Also, a bill (H. R. 1159) for the relief of the Delaware & Hudson Co., of New York City; to the Committee on Claims.

By Mr. STRONG of Kansas: A bill (H. R. 1160) for the relief of Henry P. Biehl; to the Committee on Naval Affairs.

By Mr. TILSON: A bill (H. R. 1161) granting a pension to Ellen E. Hart; to the Committee on Invalid Pensions.

By Mr. WOLVERTON of New Jersey: A bill (H. R. 1162) granting an increase of pension to Martha J. Templeton; to the Committee on Invalid Pensions.

By Mr. WOOD: A bill (H. R. 1163) to correct the military record of Thomas Spurrier; to the Committee on Military Affairs.

Also, a bill (H. R. 1164) to correct the military record of John W. Siple; to the Committee on Military Affairs.

Also, a bill (H. R. 1165) to correct the military record of Patterson Mehaffie; to the Committee on Military Affairs.

Also, a bill (H. R. 1166) to correct the military record of Francis B. Cornell; to the Committee on Military Affairs.

Also, a bill (H. R. 1167) granting an increase of pension to Elizabeth H. Sparks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1168) granting an increase of pension to Eliza J. Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1169) granting an increase of pension to Julia L. Vaught; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1170) granting an increase of pension to Celista Wells; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1171) granting an increase of pension to Elizabeth Gibson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1172) granting an increase of pension to Sarah J. Mohlar; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1173) granting an increase of pension to Ellen Boen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 1174) for the relief of A. N. Worstell; to the Committee on Claims.

Also, a bill (H. R. 1175) for the relief of Johan Kotora; to the Committee on Claims.

Also, a bill (H. R. 1176) for the relief of Catherine C. Schilling; to the Committee on Claims.

Also, a bill (H. R. 1177) for the relief of Crawford Miller; to the Committee on Claims.

Also, a bill (H. R. 1178) for the relief of Alfred A. Winslow; to the Committee on Foreign Affairs.

Also, a bill (H. R. 1179) authorizing the Treasurer of the United States to pay Hattie McKelvey $1,786; to the Committee on Claims.

Also, a bill (H. R. 1180) providing for the payment of the findings reported by the Court of Claims in favor of Timothy C. Harrington for extra time; to the Committee on Claims.

Also, a bill (H. R. 1181) to authorize the appointment of First Lieut. John W. Scott, resigned, to the grade of first lieutenant, retired, in the United States Army; to the Committee on Military Affairs.

Also, a bill (H. R. 1182) authorizing the appointment of Virgil E. Whitaker as a first lieutenant in the Volunteer Marine Corps Reserve; to the Committee on Naval Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

63. By Mr. BRUNNER: Petition of the members of Gen. Henry W. Lawton Camp, No. 31, United Spanish War Veterans, to the United States Congress to act with favor upon the passage of House bill 14676; to the Committee on Pensions.

64. By Mr. COYLE: Petition of citizens of Summit Hill, Carbon County, Pa., favoring the Knutson bill, to increase the pensions of Spanish War veterans and their dependents; to the Committee on Pensions.

65. By Mr. CRAMTON: Petition signed by Mrs. S. J. Edmunds and 32 other residents of Caro, Mich., urging a higher tariff on sugar; to the Committee on Ways and Means.

66. By Mr. HALL of North Dakota: Petition of the chamber of commerce of Fargo, N. Dak., to restrain the mixing of barley from the scab-affected areas with the barley grown in such areas as are free from the disease, such as North Dakota; to the Committee on Agriculture.

67. By Mr. JOHNSTON of Missouri: Resolution adopted by the Fifty-fifth General Assembly of the State of Missouri, favoring the earliest and most impartial application of the law practicable relative to the exclusion of aliens from the United States; to the Committee on Immigration and Naturalization.

68. By Mr. LINDSAY: Petition of John Gilmour, 803 Lincoln Place, Brooklyn, N. Y., protesting against any increase in the proposed import duty on sugars, calling attention to fact that many millions invested by Americans in Cuban sugar and that reduction should be made on present duty; to the Committee on Ways and Means.

69. Also, petition of National Almond Products Co. (Inc.), Brooklyn, N. Y., declaring against the placing of a higher duty on filberts, walnuts, and cashew nuts, in that it would put a heavy burden upon the consuming public; to the Committee on Ways and Means.

70. Also, petition of H. Kirsch, president H. Kirsch & Co., Brooklyn, N. Y., expressing keen apprehension on proposed sugar tariff legislation and declaring serious consequences will result in soft-beverage industry; to the Committee on Ways and Means.

71. Also, petition of F. H. Linington, president E. Greenfield's Sons, 95 Lorimer Street, Brooklyn, N. Y., opposing higher than 25 per cent ad valorem on wrapping material known as cellophane, fenestra, or transparit; to the Committee on Ways and Means.

72. Also, petition of American Legion, Department of New Mexico, being a set of resolutions protesting the abandonment of the Fort Bayard, N. Mex., Veterans' Hospital; to the Committee on World War Veterans' Legislation.

73. Also, petition of Carl H. Schultz Corporation, New York City, opposing further increase in duty on sugar; to the Committee on Ways and Means.

74. Also, petition of Valentine & Co., New York City, urging, on behalf of the paint and varnish industry of New York State that China wood oil be retained on the free list; to the Committee on Ways and Means.

75. By Mr. NIEDRINGHAUS: Petition of 56 employees of the Louisville & Nashville Railroad Co., residents of the tenth congressional district of Missouri, urging defeat of Senate bill 668, proposing to abolish the surcharge tax on Pullman fares; to the Committee on Interstate and Foreign Commerce.

76. By Mr. O'CONNELL of New York: Petition of the Associated Leather Goods Manufacturers, New York City, favoring an increase in the tariff schedules affecting their industry; to the Committee on Ways and Means.

77. Also, petition of the Associated Rabbit Breeders of the United States, Paris, Ky., favoring a 50 per cent duty be placed on all raw rabbit skins imported to this country other than from a United States possession; to the Committee on Ways and Means.

78. By Mr. SANDERS of Texas: Memorial of the Legislature of Texas, memorializing the Congress of the United States of America to extend Federal aid as relief to reclamation, drainage, and levee districts by means of noninterest bearing loans; to the Committee on Irrigation and Reclamation.

79. Also, petition of the Farm Journal, urging Congress to pass separate bill to increase the tariff duties on competing farm products; to the Committee on Ways and Means.

SENATE

THURSDAY, *April 18, 1929*

Rev. Joseph R. Sizoo, D. D., minister of the New York Avenue Presbyterian Church of the city of Washington, offered the following prayer:

Eternal and gracious God, who hath compassion upon all men and hatest nothing Thou hast made, we pause to acknowledge Thy ownership of us and bless Thee for the duties of a new-born day. As we lift our hearts in gratitude for Thy goodness may Thy peculiar blessing rest upon those of the Senate who are grievously ill. Heal them, we beseech Thee, O God; minister unto them with the tenderness of Thy radiant presence, assuage their pain, restore them unto full health and strength to our joy and Thy glory. Through Him who is the healer of all broken bodies and hearts. Amen.

ALBEN W. BARKLEY, a Senator from the State of Kentucky; LAWRENCE C. PHIPPS, a Senator from the State of Colorado; and ARTHUR R. ROBINSON, a Senator from the State of Indiana, appeared in their seats to-day.

THE JOURNAL

The Chief Clerk proceeded to read the Journal of the proceedings of Tuesday last, when, on request of Mr. JONES and by unanimous consent, the further reading was dispensed with and the Journal was approved.

AVIATION FATALITIES IN THE MARINE CORPS AND NAVAL SERVICE

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Navy, transmitting, pursuant to Senate resolution 296 of the Seventieth Congress, a list of fatalities in the naval service and Marine Corps aviation occurring during the past five years, the causes of each accident, etc., which, with the accompanying papers, was referred to the Committee on Naval Affairs and ordered to be printed.

ARLINGTON MEMORIAL BRIDGE

The VICE PRESIDENT laid before the Senate communications from the executive officer of the Arlington Memorial Bridge Commission, reporting on the operations of that commission in the construction of the Arlington Memorial Bridge, for the months of February and March, 1929, which were referred to the Committee on Public Buildings and Grounds.

ANNUAL REPORT OF BOY SCOUTS OF AMERICA

The VICE PRESIDENT laid before the Senate a communication from the chief scout executive of the Boy Scouts of America, transmitting, pursuant to law, the nineteenth annual report of that organization, which was referred to the Committee on Education and Labor.

HISTORY OF THE NICARAGUAN CANAL PROJECT

The VICE PRESIDENT laid before the Senate a communication from Charles C. Eberhardt, United States minister at Managua, Nicaragua, inclosing a short history of the Nicaraguan canal project prepared by R. Z. Kirkpatrick, chief hydrographer to the Panama Canal in 1922, which was referred to the Committee on Interoceanic Canals.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following resolutions of the Senate and House of Representatives of the State of Nebraska, which were referred to the Committee on Finance:

Senate resolution relating to the proposed tariff on lumber, shingles, and logs (introduced at the request of the governor by C. W. Johnson, A. B. Wood, R. R. Vance, W. B. Banning)

LEGISLATURE OF NEBRASKA,
FORTY-FIFTH SESSION.

Whereas Congress of the United States is being asked to place a tariff upon lumber, shingles, and logs; and

Whereas we are now enjoying duty-free lumber; and

Whereas the farmers, rural home owners, and industrial enterprises of the State of Nebraska are large consumers of forest products; and

Whereas a duty on forest products would tend to nullify our efforts toward a conservation and reforestation program; and

Whereas any increase in the tariff on lumber, shingles, and logs is not in accord with any proposed program for agricultural equality: Now, therefore, be it

Resolved by the Senate of the State of Nebraska, That we memorialize the Congress of the United States to refrain from enacting any revenue provision placing a tariff upon imports of lumber, shingles, and logs; and therefore be it finally

Resolved, That certified copies of this resolution be sent by the secretary of state to the Speaker of the House of Representatives and the President of the Senate, to the chairman and members of the Finance Committee of the Senate, and to each of the Nebraska delegation in Congress.

Resolution relating to the proposed tariff on lumber, shingles, and logs (introduced by Robert Newton, O. O. Johnson, E. M. Neubauer, Guy A. Brown, Walter M. Burr, J. Pedrett, W. T. Parkinson)

Whereas Congress of the United States is being asked to place a tariff upon lumber, shingles, and logs; and

Whereas we are now enjoying duty-free lumber; and

Whereas the farmers, rural home owners, and industrial enterprises of the State of Nebraska are large consumers of forest products; and

Whereas a duty on forest products would tend to nullify our efforts toward a conservation and reforestation program; and

Whereas any increase in the tariff on products consumed by the farmers is not in accord with any proposed program for agricultural equality: Now, therefore, be it

Resolved by the House of Representatives of the State of Nebraska, That we memorialize the Congress of the United States to refrain from enacting any revenue provision placing a tariff upon imports of lumber, shingles, and logs; and therefore be it finally

Resolved, That certified copies of this resolution be sent by the secretary of state to the Speaker of the House of Representatives and the President of the Senate, to the chairman and members of the Ways and Means Committee of the House, and to the chairman and members of the Finance Committee of the Senate and to each of the Nebraska delegation in Congress.

The VICE PRESIDENT also laid before the Senate the following joint memorial of the Legislature of the State of Montana, which was referred to the Committee on the Library:

House Joint Memorial No. 3

Memorial to the Congress of the United States designating the late Charles Marion Russell as a distinguished and illustrious citizen of the State of Montana, and requesting a suitable place be provided in the national Statuary Hall for a statue of the said deceased

To the honorable Senate and House of Representatives of the United States of America:

Your memorialists, the members of the Twenty-first Legislative Assembly of the State of Montana, the House and the Senate concurring, respectfully represent:

Whereas the late Charles Marion Russell was one of the distinguished citizens of the State of Montana, he having become famous as an artist in the depicting on canvas the early life of Montana whereby scenes of historical interests have been preserved; and

Whereas the paintings of the said Charles Marion Russell have been widely distributed and thereby became known, honored, and enjoyed universal fame; and

Whereas we believe that due honor to the name and memory of Charles Marion Russell can be no better preserved than by placing a statue of marble or bronze of said distinguished artist in the National Statuary Hall in the National Capitol Building at Washington, D. C.: Now, therefore, be it

Resolved, That it is the sense and desire of your memoralists that the late Charles Marion Russelll be hereby designated and named as a distinguished and illustrious citizen of the State of Montana and that a place be provided in the National Statuary Hall in the National Capitol Building at Washington, D. C., in which a statue of marble or bronze be placed, and, for that purpose, the Governor of the State of Montana is hereby authorized to constitute a commission, with himself as chairman and three other members to be by him appointed, for the purpose of securing and designing such statue and to attend to its construction and furnishing the same to the suitable representative of the United States to be placed in the said National Statuary Hall and to attend to the certification by the State of Montana of this designation of the late Charles Marion Russell as entitled to said place; and be it further

Resolved, That a copy of this memorial, duly authenticated, be sent to the Senate and House of Representatives of the United States, and to each of the Senators and Representatives of Montana in Congress.

Approved by J. E. Erickson, governor, March 1, 1929.

The VICE PRESIDENT also laid before the Senate the following joint resolution of the Legislature of the State of Nevada, which was referred to the Committee on Post Offices and Post Roads:

Assembly joint resolution approved March 25, 1929

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the Legislature of the State of Nevada, hereby respectfully represent that—

Whereas more than 87 per cent of all the lands in the State of Nevada belong to the Government and are yet in the public domain, in national forests, and other divisions of the public lands belonging to the Government, and therefore are not taxed nor taxable; and

Whereas such public lands are not distant and isolated from the centers of population of Nevada, but on the contrary they comprise the great bulk and majority of all the areas of the State and within the State, such being the great valleys, the mountain ranges, intervening foothills and spaces, and that adjoining and intersected by the course of every public road and highway, and surrounding and even adjoining the boundaries of the majority of its cities and towns; and

Whereas the great length and breadth of Nevada, as well as its geographical and topographical situation, are such as to make imperative an unusual number of both east-and-west and north-and-south interstate roads, the construction of some of which has been undertaken and partially completed by Federal aid, but which are yet uncompleted, or which need rebuilding from lack of maintenance; and

Whereas the area and population of Nevada are at a vast disproportion, the road mileage thus required being at the widest imaginable contrast with the number of its inhabitants; and

Whereas after needed construction has been effected Nevada will still have an unbearable and entirely inequitable burden in the matter of maintenance; and

Whereas the said interstate highways are not built nor asked for in the interest of Nevada residents alone, nor for their convenience, but as an imperative need of persons making the journey across the State from Eastern States to the Pacific coast, and vice versa; and

Whereas such condition subjects the State to an unjust and wholly unfair burden to require or to expect it to build and maintain said roads, especially the mileage thereof that passes through such public lands and no other for miles upon miles without a habitation, home, or semblance of taxable property thereon to share in the expense or to receive any benefits; and

Whereas at a previous session of Congress the Oddie-Colton bill, which bill would have given us the exact form of relief that our said local situation demands, was vetoed by the President; and

Whereas said veto was based upon the assumption that Nevada's gasoline tax was and would be ample to build its said interstate roads, when as a matter of fact it is not even sufficient to maintain its present roads: Now, therefore, be it

Resolved, That the best interests of the Nation, and the best interests of its citizens who use and need these roads, demand the enactment of the Oddie-Colton bill in its original form as passed at said previous session of Congress, said original form providing that the Government expend the sum of $3,500,000 per year for the next three years in the building and maintenance of such roads, and that the said maintenance features be incorporated in said bill.

Resolved, That the secretary of state of the State of Nevada be and hereby is directed to forward a duly certified copy of this memorial to the President of the United States; to the President of the Senate of the United States; to the Speaker of the House of Representatives of the United States; to each of the Senators and the Representative in Congress from the State of Nevada; and to the Hon. DON B. COLTON, Representatitve on Congress from Utah.

MORLEY GRISWOOD,
President of the Senate.
V. R. MERIALDO,
Secretary of the Senate.
R. C. TURRITTIN,
Speaker of the Assembly.
V. M. HENDERSON,
Chief Clerk of the Assembly.

The VICE PRESIDENT also laid before the Senate the following joint resolution of the Legislature of the State of Nevada, which was referred to the Committee on Finance:

Assembly joint resolution approved March 21, 1929, memorializing Congress relative to products of the State of Nevada

Whereas brucite, bismuth, cadmium, graphite, lime, magnesite, monazite, and thorium, quicksilver, talc, lead, fluorspar, molybdenum, antimony, metallic arsenic, arsenious acid, barytes, bauxite, crude gypsum, kaolin, montmorillonite, mica, potash, pumice, garnet, tourmaline, travertine, marble, asbestos, and metallic tungsten, are valuable products found within the borders of the State of Nevada; and

Whereas the production, transportation, and reduction of many of the foregoing products are extremely expensive, in proportion to the same costs relative to the foreign products of the same materials, thereby resulting in stagnation in the production of said materials within this State, unless the same shall be protected by proper tariff duties: Now, therefore, be it

Resolved, That Congress of the United States be, and is hereby, memorialized by the senate and assembly of the State of Nevada, as follows:

For a continuation of the present duties inclusive of the increases granted by the President on bismuth, cadmium, graphite, lime, magnesite, brucite, monazite, and thorium, quicksilver, and talc. To make applicable to brucite, a Nevada product, the same duties as applies to magnesite; and to bentonite and the filtering clays in general, the duties now applicable to talc; for a continuation of at least the present duty on zinc and a slightly higher on lead, fluorspar, and molybdenum; for an increase on antimony of from 2 to 4 cents per pound; and metallic arsenic, 6 cents per pound; arsenious acid or white arsenic, 4 cents per pound; barytes, $8 per short ton, and bauxite $3 per long ton; crude gypsum, $3 per ton; crushed gypsum, $3.50 per ton; calcined gypsum, not less than $4.25 per ton; and on kaolin (add montmorillonite), $3.75 per ton; on mica, potash, pumice, abrasive, garnet and tourmalines, pumice stone, travertine, marble, and asbestos, the duties recommended by the American mining congress, and to forbid their free entry as ship ballast; on metallic tungsten, not less than 67½ cents per pound; and on manganese, of which mineral Nevada is a heavy potential producer, the duties now sought and advocated by the American manganese producers association; and be it further

Resolved, That copies of this resolution, duly authenticated, be transmitted forthwith by the secretary of state of the State of Nevada to the President of the United States Senate and to the Speaker of the House of Representatives, and to each of our Senators and to our Representative in Congress.

MORLEY GRISWOLD,
President of the Senate.
V. R. MERIALDO,
Secretary of the Senate.
R. C. TURRITTIN,
Speaker of the Assembly.
V. M. HENDERSON,
Chief Clerk of the Assembly.

The VICE PRESIDENT also laid before the Senate the following resolution of the Legislature of the State of Minnesota, which was referred to the Committee on Agriculture and Forestry:

A concurrent resolution memorializing Congress of the United States relative to an investigation of livestock marketing by the Federal Trade Commission

Whereas the livestock producers of this country are entitled to an open competitive livestock market, where all shippers may offer their livestock for sale on an equal basis and all buyers have an equal opportunity to bid on such livestock, with all transactions carried on under rules and regulations prescribed by the Federal Government and transactions at the market supervised and regulated by the Government: Now, therefore, be it

Resolved by the House of Representatives of the State of Minnesota (the Senate concurring), That we urge the Congress of the United States to provide for a thorough and fair investigation of livestock marketing in all its phases by the Federal Trade Commission, such investigation to determine the purpose of the packers in attempting to change the old livestock marketing system of the country and the probable effects that this change which is being attempted by the packers will have upon the livestock industry; and be it further

Resolved, That the secretary of state of the State of Minnesota be instructed to send a copy of this resolution to both Houses of Congress and to each Member in Congress from the State of Minnesota.

Passed the house of representatives the 4th day of April, 1929.

JOHNSON A. JOHNSON,
Speaker of the House of Representatives.
JOHN I. LEVIN,
Chief Clerk, House of Representatives.

Passed the senate the 3d day of April, 1929.

W. I. NOLAN.
President of the Senate.
H. G. SPAETH,
Secretary of the Senate.

Approved April 5, 1929.

THEODORE CHRISTENSEN,
Governor.

Filed April 6, 1929.

MIKE HOLM,
Secretary of State.

The VICE PRESIDENT also laid before the Senate the following resolution of the Legislature of the State of Minnesota, which was referred to the Committee on Military Affairs:

A concurrent resolution memorializing Congress to establish a national cemetery at Birch Coulee battle field, in Renville County, Minn.

Whereas on September 2 and 3, 1882, there was fought at Birch Coulee, in Renville County, a battle with the Indians of great historic importance, at which soldiers and pioneer citizens, heroically fighting against overwhelming odds, laid down their lives; and

Whereas said battle field has been set apart and designated as a State park and cemetery of the State of Minnesota by Chapter 75, Session Laws 1929; and

Whereas said battle field, by reason of its unsurpassed natural beauty and advantageous location is eminently suitable for a national cemetery for soldier and sailor dead, and there is urgent need for such cemetery in this section of the country: Therefore be it

Resolved by the Senate of the State of Minnesota (the House of Representatives concurring), That the Congress of the United States of America be, and hereby are, requested to establish a national cemetery upon said battle field, and to provide for the acquisition by the United States of the necessary ground therefor, including the ground already set apart as a State park and cemetery, or so much thereof as may be required; be it further

Resolved, That it is the sense of this legislature that in case the Congress shall establish a national cemetery upon said battle field, the State of Minnesota will cede to the United States that part of said battle field which has already been set apart as a State park and cemetery and will consent to the acquisition by the United States of such further ground as may be desired for a national cemetery; be it further

Resolved, That a copy of this resolution, properly attested, by the proper officers of both houses, be sent to the President of the United States, the Secretary of War, the presiding officers of the Senate and the House of Representatives, and to each United States Senator and Member of Congress from the State of Minnesota.

Passed the house of representatives the 6th day of April, 1929.

JOHN A. JOHNSON,
Speaker of the House of Representatives.
JOHN I. LEVIN,
Chief Clerk House of Representatives.

Passed the senate the 5th day of April, 1929.

W. I. NOLAN,
President of the Senate.
A. R. SPAETH,
Secretary of the Senate.

Approved the 8th day of April, 1929.
Filed the 9th day of April, 1929.

The VICE PRESIDENT also laid before the Senate the following concurrent resolution of the Legislature of the State of North Dakota, which was referred to the Committee on Agriculture and Forestry:

Concurrent Resolution G (introduced by Senator Fine)

Whereas the hog industry of the State of North Dakota is growing to considerable proportions; and

Whereas the usual and customary time for the farmers to market their hogs is in the fall of the year; and

Whereas during the immediate past few years there seems to have been an unreasonable and unwarranted fluctuation in the prices paid for hogs at the terminal markets, which may be evidenced by the information that on the 21st day of October, 1927, hog prices at South St. Paul, in the State of Minnesota, were $11 per hundred for top hogs; that on the 27th day of October prices for top hogs had been reduced to $9 per hundred; that for the 17th day of September, 1928, the top price for hogs was at the same market $12.90 per hundred; that on the 27th day of September, 1928, said top prices had fallen to $10 per hundred; that such sudden and unwarranted change and fluctuation in the market seems to be unwarranted and unreasonable; that from the information available and from such investigation as it has been possible to make it does not seem that such sudden fluctuation in the market is due to or caused by any sudden oversupply of hogs nor due to any lack of demand; that, on the contrary, it appears that such fluctuation is arbitrary and caused by the combining of the purchasing interests at the terminal markets: Be it

Resolved by the Senate of the State of North Dakota (the House of Representatives concurring therein), That we respectfully call this condition in the Northwest to the attention of the Senate of the United States; that we respectfully ask that the honorable Senate of the United States cause to be appointed a special investigating committee to investigate into the fluctuation of the livestock market at the terminals of the Northwest; that if such committee of the United States Senate should not be advisable that we petition and request that the Senate of the United States order and direct the Federal Trade Commission to immediately investigate into the said marketing conditions to determine the causes and reasons for such sudden fluctuation in the market and to further investigate such activities of the livestock market of the terminals of the Northwest to determine whether or not there is a corresponding decrease or increase in the price of the finished product comparable with the increase or decrease of the price of the live animals; be it further

Resolved, That the secretary of the State of North Dakota be instructed to forward a duly authenticated copy of this resolution to the United States Senators of the State of North Dakota and to the President of the Senate of the United States.

This certifies that the within Concurrent Resolution No. G originated in the Senate of the Twenty-first Legislative Assembly of the State of North Dakota, and is known on the records of that body as Concurrent Resolution No. G.

Adopted by the senate and house.

[SEAL.] F. E. TUNNELL,
Secretary of the Senate.

Approved at 10 a. m. on March 13, 1929.

GEO. F. SHAFER, *Governor.*

Filed in this office this 13th day of March, 1929, at 2 o'clock p. m.

[SEAL.] ROBERT BYRNE,
Secretary of State.

The VICE PRESIDENT also laid before the Senate the following concurrent resolution of the Legislature of the State of North Dakota, which was referred to the Committee on Finance:

Concurrent Resolution P

Whereas the question of relief from the present agricultural depression to the farmers of the Northwest was a paramount issue in the recent political campaign, and Mr. Herbert Hoover made certain promises and assurances during his candidacy for the office of President of the United States to the effect that, if elected to that office, he would take positive and effective action looking toward the amelioration of the condition of the farmers, toward solving the great problem of the economic independence of the agricultural interests of the country; and

Whereas in fulfillment of these promises and in line with his expressed intention to render such aid in the circumstances as might be in his power, he has summoned the Congress of the United States to assembly in special session, beginning the 15th day of April, 1929, for the purpose of taking legislative action in the premises, at which time and place he will doubtless outline to the two Houses of said Congress his plan for farm relief, which plan will unquestionably be the guiding and sustaining influence in shaping the legislation enacted at such special session; and

Whereas the farmers of the Northwest, and especially those of the State of North Dakota, have, in this connection, certain definite and concrete grievances which they feel should be called to the attention of Mr. Hoover, and considered and acted upon at said special session: Therefore be it

Resolved by the Senate and House of Representatives of the Twenty-first Legislative Assembly of the State of North Dakota (composed largely of farmers, and having the interests of the farmers of the State of North Dakota wholly at heart, and speaking for them) That the following facts and suggestions be submitted to Mr. Hoover and his Congress, and that they be urged to give them thoughtful consideration:

1. We feel that the first and most important step looking to permanent improvement in the condition of agriculture in the United States, as a whole, is to so adjust present tariff schedules and rates, that those products of the farm which can be raised with profit shall be protected from ruinous competition with foreign countries producing the same products with cheap labor. Such adjustment should not only be applied to all agricultural products capable of profitable production under a protective policy but to all substitutes and artificially produced commodities intended to take their places, so that diversification may be encouraged and made profitable and thus the attention of farmers diverted from the excessive cultivation and production of wheat; and so that land now needlessly devoted to wheat raising may be profitably employed in the production of other grain and the production of wheat more nearly restricted to the needs and demands of American consumption. We especially recommend a substantial increase in the tariff on flax seed, a commodity whose consumption in this country greatly exceeds the home production, and which is imported in great quantities from Argentina, thus depressing the price at home, reducing the production, and preventing immense areas of tillable land from being profitably employed. However, in order that the farmer may reasonably profit by such tariff adjustment, it is essential that the price of manufactured articles, which the farmer must buy, now already protected by discriminating tariffs, shall not be further enhanced in price to him by increasing the tariff upon such articles. This would leave the farmer no better off than he now is. Succinctly, the farmer must have better prices for his products without being forced to pay higher prices for the manufactured articles he now uses.

We earnestly request that such steps be taken by the Congress as will provide for the disposal of the surplus crops of the American farmer so that he shall derive the full benefit of a protected home market for that part of agricultural products as are consumed in the United States of America, and so that the exportable surplus shall not depress the price received for the products sold at home.

2. It is essential that the prices the farmer gets for his products should be stabilized. The farmer should not be compelled to dump his grain in the fall of the year upon a glutted market and accept a low price, only to find the price soaring when he has no more grain to sell. We suggest that one method of securing stabilization is for the Government to furnish credit to cooperative farmers' associations at low rates of interest so that grain may be held back and marketed gradually. In this connection we deprecate the practice of Federal bank examiners in criticizing farmers' paper less than six months old, and the fact that the credit requirements of the farmers is not met by the present arrangements of the intermediate credit bank. Nor is the present method of issuing crop reports wholly free from criticism in this regard. The information contained in these reports, especially in June and July, is often prematurely disseminated, and the market unduly depressed if the prospects for a crop are encouraging or similarly enhanced if discouraging. Such reports should be withheld until such time as there is a reasonable assurance that a crop will be made.

The present method of marketing hogs is disastrous to the farmer, as he is compelled, whether he wishes it or not, to sell his hogs when they are ready for the market, and they are purchased by the packer, dressed and placed in storage, and later on sold to the consuming public upon the basis of later increased prices, so that while the consumer pays for pork on the basis of the higher price, the original producer receives no benefit from it.

This certifies that the within Concurrent Resolution P originated in the Senate of the Twenty-first Legislative Assembly of the State of North Dakota, and is known on the records of that body as Concurrent Resolution P.

Adopted by the senate and house of representatives.

F. E. TUNNELL,
Secretary of the Senate.

Approved at 10 a. m. on March 13, 1929.

GEO. F. SHAFER, *Governor.*

Filed in this office this 13th day of March, 1929, at 2 o'clock p. m.

[SEAL.] ROBERT BYRNE,
Secretary of State.

The VICE PRESIDENT also laid before the Senate the following concurrent resolution of the Legislature of the State of North Dakota which was referred to the Committee on Agriculture and Forestry:

H. B. No. 180 (Thatcher and Svingen)

A concurrent resolution petitioning the Congress of the United States to cause an investigation to be made at the terminal grain markets of the country to determine the amount of futures handled and the effect such dealing has upon the market price of grain; further petitioning Congress to either appoint a special investigating committee or that the Federal Trade Commission be instructed to investigate the dealings upon the board of trade at the large grain terminals of the country

Be it resolved by the house of representatives, the senate concurring:

Whereas, from information available, the dealing in grain futures at the large terminal markets of the United States is assuming greater and greater proportions; and

Whereas, from information available, we learn that between July 1 and December 31, 1928, there were grain futures sold upon the following boards of trade in the amount of 5,128,802,000 bushels; that the futures so sold were at the Chicago Board of Trade, open Board of Trade of Chicago, Minneapolis Chamber of Commerce, Kansas City Board of Trade, Duluth Board of Trade, St. Louis Board of Trade, San Francisco Board of Trade, and the Seattle Board of Trade; that while these figures show the amount of futures sold there was also a corresponding amount of futures bought; that this enormous trading in futures we believe has a tendency to depress the price of grain, and that from information available we are led to believe that there are at times more futures sold than the grain crop of the country could supply; and

Whereas we believe that it would be beneficial to have a more thorough check up of the activities of the boards of trade in order that the price of grain may be to a greater extent dependent upon the actual economic law of supply and demand: Therefore be it

Resolved by the House of Representatives of the State of North Dakota (the Senate concurring therein), That we respectfully petition the Congress of the United States to cause such investigation to be made at the great terminal grain markets of the country as to determine the amount of futures handled and the effect such dealing has upon the market price of grain; that we further respectfully petition Congress to either appoint a special investigating committee, or that the Federal Trade Commission be instructed to immediately investigate the dealings upon the board of trade at the large grain terminals of the country.

The VICE PRESIDENT also laid before the Senate the following joint memorial of the Legislature of the State of Oregon, which was referred to the Committee on Commerce:

Senate Joint Memorial 7, regarding the leasing of Sand Island in the Columbia River for fishing purposes and urging upon Congress the passage of the McNary bill (S. 4841)

To the honorable Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialists, the Senate and House of Representatives of the State of Oregon, in legislative session assembled, respectfully memorialize the Congress of the United States as follows:

Whereas the War Department is now leasing Sand Island, a sand bar in the Columbia River, for fishing purposes at an annual rental of $46,000; and

Whereas there has already been paid over to the Government the sum of $527,000 for fishing leases on Sand Island; and

Whereas the fishing industry of Oregon and Washington has for many years voluntarily taxed itself for the propagation of salmon and the perpetuation of the industry; and

Whereas all the lease money received by the Government has come out of the fisheries of the Columbia River, therefore we believe it should be used for the enlargement of the fisheries on said river rather than for other purposes: Therefore be it

Resolved by the Senate of the State of Oregon (the House of Representatives jointly concurring therein), That we, your memorialists, respectfully urge that Congress pass the McNary bill (S. 4841), which provides that all the lease money received for fishing on Sand Island, both that received in the past and that which may be received in the future, be used for the propagation of salmon in the Columbia River district.

It is expressly understood that the passage of this memorial by the States of Oregon and Washington is in no wise a waiver of their claims for Sand Island, and is passed without prejudice to the rights of either State; be it further

Resolved, That the secretary of state of the State of Oregon be, and he hereby is, instructed to send a certified copy hereof to the Chief Clerks of the United States Senate and the House of Representatives and to each of the Oregon Senators and Representatives in the National Congress.

Adopted by the senate February 13, 1929.

A. W. NORBLAD,
President of the Senate.

Concurred in by the house February 25, 1929.

R. S. HAMILTON,
Speaker of the House.

(Indorsed: Senate Joint Memorial 7. Introduced by Senator Norblad and Messrs. Robinson and Johnson. John P. Hunt, chief clerk. Filed February 27, 1929, Hal E. Hoss, secretary of state.)

The VICE PRESIDENT also laid before the Senate the following concurrent resolution of the Legislature of the State of Iowa, which was referred to the Committee on Finance:

House concurrent resolution memorializing Congress of the United States to refund internal-revenue taxes assessed on sales of farm lands based on paper profits in the mid-West during the boom years of 1919–1921

Whereas the Treasury Department assessed them as cash regardless of protests made orally and in writing attached to their original returns now on file in the United States internal revenue office and would not permit any adjustment without suit being brought by the taxpayer; and

Whereas in 1926 Congress enacted section 212 (d) of the revenue act of 1926 and Treasury Decision 3921 specifying installment sales making said section retroactive to the year 1915 in section 1208 of the same act, requiring refund of taxes overpaid, subject to section 284 (g), which required a waiver to be filed in regard to refunds on or before June 15, 1926; and

Whereas regulations 69, revenue act of 1926, and Treasury Decision 3921 were not approved until August 28, 1926. It was then too late for this taxpayer to get relief; and

Whereas many farmers, taxpayers, and others of the Middle West have suffered financially from this unjust and unfair payment of income tax on paper and fictitious profits during the boom years of 1919, 1920, and 1921; and

Whereas at the present time the Treasury Department at Washington, D. C., is illegally holding millions of dollars, wrongfully collected from farmers and others of the Middle West, many of them having filed application for refunds with the Internal Revenue Department at Washington, D. C., and as many have petitioned the Ways and Means Committee of the House in the Congress, November 4, 1927, to enact such legislation as would permit them to recover the funds illegally collected on income-revenue returns following the land boom of the Middle West during the years 1919–1921: Now, therefore, be it

Resolved by the house (the senate concurring), That we petition and pray the Congress of this United States to refund the amount of taxes paid in excess of what should have been paid had the farmer and taxpayer been assessed according to section 212 (d) and Treasury Decision 3921 of the revenue act of 1926 made retroactive in section 1208 of the same act.

That the Congress of the United States extend its services to the citizen to whom we owe much by aiding him in accounting and arranging his papers together with a representative of the Treasury Department; if the taxpayer has on or before June 15, 1930, filed such a waiver in respect to the taxes due for the taxable years 1919, 1920, and 1921, shall be allowed or made if claim therefor is filed on or before June 15, 1931.

That a committee of three be appointed by the governor of this State who shall appear before the appropriate committees in Congress in behalf of the taxpayer and in behalf of the relief sought in this resolution.

That on the passage of this resolution, the chief clerk of the house shall certify a copy hereof to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, and to each Senator and Representative of the State of Iowa at Washington, D. C.

ARCH W. MCFARLANE,
President of the Senate.
J. H. JOHNSON,
Speaker of the House.

I hereby certify that this House Concurrent Resolution No. 11 was adopted April 3, 1929, by the Forty-third General Assembly of the State of Iowa.

A. C. GUSTAFSON,
Chief Clerk of the House.

The VICE PRESIDENT also laid before the Senate the following concurrent resolution of the Legislature of the State of Iowa, which was referred to the Committee on Post Offices and Post Roads:

House Concurrent Resolution No. 7, memorializing the President of the United States and the Congress to increase Federal aid for road construction

Whereas the development of our State has made it increasingly apparent that the people of the State must have good roads; and

Whereas the people of the State of Iowa at the last general election expressed themselves overwhelmingly in favor of an enlarged road-construction program; and

Whereas the road-building program as outlined and contemplated in this State involves the improvement of many roads of an interstate nature, thus making the cooperation and assistance of the Federal Government a matter of vital importance; and

Whereas the Congress of the United States has for many years been appropriating Federal aid for road construction at the rate of $75,000,000 per year; and

Whereas, in view of the rapidly increasing traffic on the interstate highways within this State, it is apparent that the building of roads in this State must be speeded up in order to adequately meet the needs of such interstate traffic: Now, therefore, be it

Resolved by the House of Representatives of the General Assembly of Iowa (the Senate concurring), That we hereby recommend to the President of the United States and to the Congress that at the coming special session of Congress the annual Federal-aid road appropriation be increased from $75,000,000 per year to not less than $100,000,000 per year; be it further

Resolved, That on the passage of this resolution the chief clerk of the house shall certify a copy hereof to the President of the United States, to the President of the Senate, to the Speaker of the House of Representatives of the Congress of the United States, to the chairman of the Committee on Roads of the Senate, and to the chairman of the Committee on Roads of the House of Representatives, and to each State legislature now in session.

ARCHIE MCFARLANE,
President of the Senate.
J. H. JOHNSON,
Speaker of the House.

I hereby certify that House Concurrent Resolution No. 7 was adopted on March 25, 1929.

A. C. GUSTAFSON,
Chief Clerk of the House.

The VICE PRESIDENT also laid before the Senate the following concurrent resolution of the Legislature of Iowa, which was referred to the Committee on Finance:

Senate Concurrent Resolution 10 (by Anderson)

Whereas the prices of agricultural commodities are not on a parity with prices of other products, and especially with the prices of those commodities which farmers must buy; and

Whereas present tariff schedules on agricultural commodities are inadequate to protect the American farmer from foreign competition; and

Whereas present tariff schedules do protect numerous other industries against foreign competition; and

Whereas we favor tariff schedules which are based on the principles of equality, justice, and fairness to all:

Resolved by the senate (the house concurring), That the Legislature of Iowa requests the readjustment of tariff schedules affecting agricultural commodities, so that the American farmer will be placed on a parity with those engaged in other industries, and which will insure him the full benefit of the American market for his products, and thus enable him to secure cost of production plus a reasonable profit based on American standards of living; and be it further

Resolved, That we respectfully urge action on this matter in the present session of Congress, or in a special session, to be called for the consideration of emergency tariff and general agricultural relief legislation; and be it further

Resolved, That the secretary of state of the State of Iowa be instructed to send a copy of this resolution to the President of the United States, President-elect Herbert Hoover, the Speaker of the House, the Vice President of the United States, to the Ways and Means Committee of the House of Representatives, and to each Member in Congress from the State of Iowa.

Introduced February 20, 1929.
Adopted February 22, 1929.

WALTER H. BEAM,
Secretary of the Senate.

To the house March 6, 1929.
March 6, 1929, received from senate.
Rule 34 suspended, resolution adopted.

A. C. GUSTAFSON,
Chief Clerk of the House.

The VICE PRESIDENT also laid before the Senate the following joint memorial of the Legislature of the State of Idaho, which was referred to the Committee on Agriculture and Forestry:

House Joint Memorial 5

A joint memorial to the Senate and House of Representatives of the United States of America and to the Senators and Representatives from the State of Idaho in Congress assembled

Your memorialist, the Legislature of the State of Idaho, respectfully represents that—

Whereas it has been proven that foot-and-mouth disease of cattle, sheep, and swine is conveyed from one country to another by means of the dressed carcasses of infected animals: Therefore be it

Resolved, That we, your memorialists, the Senate and House of Representatives of the State of Idaho, do hereby petition the Congress of the United States to enact legislation prohibiting the importation into the United States of any meat originating in any country in which foot-and-mouth disease is prevalent; be it further

Resolved, That the secretary of state of the State of Idaho is hereby instructed to forward this memorial to the Senate and House of Representatives of the United States of America, and that copies be sent to the Senators and Representatives in Congress from the State of Idaho.

This memorial passed the house on the 26th day of February, 1929.

D. S. WHITEHEAD,
Speaker of the House of Representatives.

This memorial passed the senate on the 2d day of March, 1929.

W. B. KINNE,
President of the Senate.

I hereby certify that the within Memorial No. 5 originated in the house of representatives during the twentieth session of the Legislature of the State of Idaho.

A. L. FLETCHER,
Chief Clerk of the House of Representatives.

The VICE PRESIDENT also laid before the Senate the following joint memorial of the Legislature of the State of Idaho, which was referred to the Committee on Irrigation and Reclamation:

House Joint Memorial No. 4

A joint memorial to the honorable Senate and House of Representatives of the United States of America in Congress assembled

Your memorialists, the House of Representatives and Senate of the State of Idaho respectfully represent that—

Whereas there is now pending before the Congress of the United States of America legislation popularly known as and called the Smith-Smoot bill, the purpose of which is to provide funds which the Secretary of the Interior may loan to drainage and levee districts, without interest, in order to enable them to retire their bonded indebtedness; and

Whereas the drainage of swamped and water-logged lands and the protection of lands from overflow is necessary to the well-being of the people of the United States of America generally, and the payment of interest upon the bonded indebtedness of drainage and levee districts is a serious burden upon those now required to pay it: Now, therefore, be it

Resolved, That the Legislature of the State of Idaho respectfully requests and urges the Congress of the United States of America to enact into law the said Smith-Smoot bill or other legislation of similar import; be it further

Resolved, That the secretary of state of the State of Idaho be, and he hereby is, directed to forward this memorial to the Senate and the House of Representatives of the United States of America and that he forward copies thereof to the Senators and Representatives in Congress from this State.

This memorial passed the house on the 27th day of February, 1929.

D. S. WHITEHEAD,
Speaker of the House of Representatives.

This memorial passed the senate on the 2d day of March, 1929.

W. B. KINNE,
President of the Senate.

I hereby certify that the within Memorial No. 4 originated in the house of representatives during the twentieth session of the Legislature of the State of Idaho.

A. L. FLETCHER,
Chief Clerk of the House of Representatives.

The VICE PRESIDENT also laid before the Senate the following joint resolution of the Legislature of California, which was referred to the Committee on Finance:

Senate Joint Resolution 7, relative to memorializing and petitioning the President of the United States and Congress to support congressional action and administrative leadership toward securing the benefits of tariff protection to all American farm producers, regardless of commodity, and petitioning for the restoration of adequate tariffs on imports of agriculture products from the Philippine Islands

Whereas the encouragement and protection of the growth of agriculture products in the United States and of the production of agriculture

products in interest of agriculture and as a measure of economic stability and defense has been an important feature of our tariff policy; and

Whereas a continuation of such policy is highly important from the standpoint of agriculture and as a defense against the dangers inherent in a condition of dependence on foreign supplies of agriculture products; and

Whereas from the time the Philippine Islands were ceded to the United States, by treaty of peace April 11, 1899, until the passage of the so-called Philippine act of March 8, 1902, sugar and other products of the Philippine Islands entering our ports were assessed the same rate of duty as like products coming from other countries; and

Whereas the act of March 8, 1902, provided that upon all articles the growth of the Philippine Islands coming into the United States from such islands there should be levied, collected, and paid only 75 per cent of the rate of duty upon like articles imported from other countries; and

Whereas the tariff act of August 5, 1909, the Payne-Aldrich Act, provided that all articles the growth or product of the Philippine Islands should be admitted into the United States free of duty, except rice and a specified amount of tobacco and cigars, and except in any fiscal year sugar in excess of 300,000 gross tons; and

Whereas the fact that Congress saw fit to levy the full rate of duty on Philippine products entering the United States from the time of the acquisition of the islands in 1899 until the passage of the act of 1902, and by the passage of the latter act continued to levy such duty to the extent of 75 per cent of the rates levied against other countries, is conclusive evidence that Congress intended to protect American farmers from competition with cheaply produced products of Philippine soil; and

Whereas there is now pending in Congress an act for tariff revision: Now, therefore, be it

Resolved by the Assembly and the Senate of the State of California jointly, That we, the members of the Legislature of the State of California, urge and support congressional action and administrative leadership toward securing the benefits of tariff protection to all American farm producers, regardless of commodity, and also on those commodities that are competitors, but not necessarily produced in the United States, and for restoration of adequate tariffs on imports of agriculture products from the Philippine Islands; and be it further

Resolved, That the chief clerk of the assembly be, and he is hereby, directed to send copies of this resolution to the President of the United States and to each Member of the Senate and House of Representatives of the United States.

H. L. CARNAHAN,
President of the Senate.
JOSEPH A. BEEK,
Secretary of the Senate.
EDGAR C. LEVEY,
Speaker of the Assembly.

Attest:

ARTHUR A. OHNIMUS,
Chief Clerk of the Assembly.

The VICE PRESIDENT also laid before the Senate the following resolution of the Legislature of the State of New York, which was referred to the Committee on Territories and Insular Possessions:

Whereas the people of the island of Porto Rico which was taken over by the United States from the Kingdom of Spain in 1897 and in which the United States established a form of civil government in 1900, have enjoyed the rights of American citizenship since 1917; and

Whereas under the form of civil government established in 1900 the Governor of Porto Rico has been appointed by the President of the United States without the concurrence of the citizens of such island; and

Whereas the people of Porto Rico have developed a high level of culture and education, and enjoy the rich heritage of historical development and of national splendid tradition; and

Whereas Porto Rico has become generally known throughout the world as the "Switzerland of America, the Enchanted Isle," and stands out among the foremost countries of the world for the richness of its soil, the abundance of its natural resources, and the bounty of its natural products, and now supplies to the world at large a considerable proportion of its fruits, tobacco, coffee, and sugar; and

Whereas the population of Porto Rico has increased to a million and a half souls with a high standard of patriotism, culture, and education, and during the recent World War furnished for the support of the United States Government and its allies a large and efficient body of brave soldiers and sailors; and

Whereas there exists a widespread sentiment among such people for a change in the form of their government permitting them to elect their own governor; and

Whereas Congressman FIORELLA LAGUARDIA, a Member of the House of Representatives from this State, has introduced a bill to provide for the popular election of the Governor of Porto Rico; and

Whereas a large number of Porto Ricans are now resident in the State of New York and form a large body of intelligent, useful, and productive citizens of our State;

Resolved (if the assembly concur), That the Congress of the United States be, and the same is hereby, respectfully memorialized to enact with all convenient speed such appropriate legislation as will grant to this upstanding body of American citizens of Porto Rico the right to elect their own governor by popular vote and will give such governor the power to select the members of his own cabinet, including the commissioner of education, the attorney general, the auditor, the commissioner of immigration, and such other administrative officers as may be necessary; and it is further

Resolved (if the assembly concur), That a copy of this resolution be transmitted to the Clerk of the House of Representatives and the clerk of the Senate and to each Member of Congress and to each Senator elected from New York State.

By order of the Senate.

A. MINOR WELLMAN, *Clerk.*

In assembly March 20, 1929.
Concurred in without amendment.
By order of the assembly.

FRED W. HAMMOND, *Clerk.*

The VICE PRESIDENT also laid before the Senate the following concurrent resolution of the Legislature of the State of Louisiana, which was referred to the Committee on the Library:

Senate Concurrent Resolution No. 2 (by Mr. Delahoussaye)

Whereas the State of Louisiana has already appropriated the sum of $20,000 to assist in establishing a memorial park at St. Martinville, State of Louisiana, commemorating the sentiments of the Acadians in Louisiana and the story of Evangeline; and

Whereas suitable grounds for the above purpose have been purchased by the Evangeline Memorial Association, which grounds being situated on the banks of Bayou Teche at or near St. Martinville; and

Whereas Edwin Carewe & Co. is now filming the picture Evangeline in the Teche Country at St. Martinville; and

Whereas said company, through Miss Dolores Del Rio presented the said Acadian community the gift of $1,000 for the purpose of restoring the tomb of Evangeline at St. Martinville; and

Whereas said community has also contributed a like sum for said purpose: Be it

Resolved by the senate (the house concurring), That the United States be requested to appropriate a sufficient sum to erect a monument in said Evangeline Park in commemorating the sentiment of the Acadians in Louisiana and the story of Evangeline; be it further

Resolved, That a copy of this resolution be forwarded to the President of the United States and to each branch of Congress and to each Member of Congress from Louisiana.

PAUL N. CYR,
President of the Senate and Lieutenant Governor of the State of Louisiana.
JNO. B. FAUVRET,
Speaker of the House of Representatives.

The VICE PRESIDENT also laid before the Senate the following concurrent resolution of the Legislature of the State of Louisiana, which was referred to the Committee on Finance:

Senate Concurrent Resolution No. 1 (By Mr. Labbe)

Whereas the sugar-cane growers of the State of Louisiana have, during the past several years, labored untiringly and with great sacrifice to keep the sugar industry alive in this State, with the hope of restoring it to a profitable basis;

Whereas a large crop of the new varieties of sugar cane has been planted this year and the success of this great industry is in sight if sugar can be sold on a fair market;

Whereas with the exercise of strictest economy and with the use of the most scientific modes of cultivation, our sugar-cane crop can not be marketed at a reasonable profit and our domestic-sugar industry can not endure on the basis of current prices; and

Whereas sugar is the only staple produce of major importance which is not overproduced in the United States and therefore offers an avenue of useful enterprise to the farmers of this nation who desire to continue cultivating the soil: Therefore be it

Resolved by the Senate (the House of Representatives concurring), That the Legislature of the State of Louisiana hereby petitions the Congress of the United States to increase the tariff on foreign sugars to the schedule presented by the sugar-cane growers of this State before the Ways and Means Committee of the House, which is necessary to protect our domestic industry and to induce its further development; be it further

Resolved, that a copy of this resolution be forwarded to the President of the United States, the members of the Senate and of the House of Representatives from Louisiana and to the chairman of the Ways and Means Committee of the House.

PAUL N. CYR,
President of the Senate and Lieutenant Governor of the State of Louisiana.
JNO. B. FAUVRET,
Speaker of the House of Representatives.

The VICE PRESIDENT also laid before the Senate the following joint resolutions of the Legislature of the State of New Mexico, which were referred to the Committee on Public Lands and Surveys:

House Joint Resolution No. 14 (introduced by Robert Kellahin, Charles Madrid, and Alvan N. White)

A joint resolution petitioning Congress for the passage of Senate bill No. 3940, granting 76,667 acres of land to the State of New Mexico for the use and benefit of eastern New Mexico Normal School

Be it resolved by the Legislature of the State of New Mexico: Whereas by chapter 9 of the Session Laws of 1927, there was created, located, and established at Portales, Roosevelt County, N. Mex., an institution of learning to be known as the Eastern New Mexico Normal School; and

Whereas by section 12 of Article XII of the constitution of New Mexico, only 30,000 acres of the lands granted by Congress to normal schools was reserved for the benefit of the normal school which has been established by said chapter 9 of the session laws of 1927; and

Whereas the Hon. SAM G. BRATTON, Senator from New Mexico, has introduced in the Senate of the United States a bill (S. 3940) for the granting by the United States of 76,667 acres of land to the State of New Mexico for the benefit of said Eastern New Mexico Normal School located at Portales, Roosevelt County, N. Mex.; and

Whereas the Committee on Public Lands and Surveys of the United States Senate has made a unanimous report on said bill recommending its passage: Now, therefore, be it

Resolved, That the Senate and House of Representatives of the State of New Mexico do respectfully and earnestly memorialize and request the Congress of the United States to enact said Senate bill No. 3940 and make the grant of lands as therein provided to the State of New Mexico in trust for said Eastern New Mexico Normal School, in order that said Eastern New Mexico Normal School may have an adequate land grant and the income therefrom for the establishment and maintenance of said normal school. Be it further

Resolved, That copies of this joint resolution be forwarded to the President of the Senate and Speaker of the House of Representatives of the United States; and to the Hon. O. A. Larrazolo and SAM G. BRATTON, Senators from New Mexico; and the Hon. John Morrow, Member of Congress from the State of New Mexico; and also to the Hon. BRONSON M. CUTTING, Senator-elect from New Mexico, and the Hon. ALBERT G. SIMMS, Congressman-elect from New Mexico.

HUGH B. WOODWARD,
President of the Senate.

Attest:

FRANK STAPLIN,
Chief Clerk of the Senate.
ROMAN BACA,
Speaker of the House of Representatives.

Attest:

ISIDORO ARMIJO,
Chief Clerk of the House of Representatives.

Approved by me this 11th day of March, 1929.

R. C. DILLON,
Governor of the State of New Mexico.

House Joint Resolution 11 (introduced by R. L. Baca, Charles Madrid, R. C. Worswick, Jose Ortiz y Pino, William A. Spence, and R. K. Chambers)

Whereas we recognize as fundamental the proposition that all resources within the boundaries of a State are properly subjects of taxation and of right should be available for the purpose of contributing toward the maintenance of our State government.

We submit as unfair the policy of Congress making from time to time large grants of lands to Indians, which now total an area approximating 6,000,000 acres, most of which represent the choice areas of the State, and all of which under the compact exacted by Congress are tax exempt, thereby greatly impairing the ability of the State to defray its governmental expenses.

We find no fault with the policy of liberal treatment toward the Indian. We commend the policy of extending substantial helpfulness toward self-support, industrial independence, and prosperity for the Indian, but we object to the burden being imposed on our State taxpayers.

We recognize the Indian as the ward of the Government. We believe that the generosity extended by a liberal Government toward its ward should properly constitute a charge on the Government and not on the State.

The general theory which is traditional regarding public lands presumes that public lands will be settled on, developed by citizens, and converted into resources which shall contribute toward the burdens of State government. Upon that theory it is possible to develop the resources of the State, and as population increases public service essential to society can be maintained by taxation derived from its resources. The policy of granting large areas and requiring these areas to be tax exempt substantially interferes with the ability of a State to adequately maintain its government.

Indemnity in some form should be made to the State by the Federal Government to compensate the losses in revenue badly needed for legitimate State, county, and especially educational purposes. This condition is particularly emphasized under conditions which confront every pioneer State, sparsely settled, with meager liquid resources, yet burdened with all of the service essential to public welfare and the promotion of progressive citizenship in keeping with the standards of American ideals equal to those of the wealthier States of the Union, and which States were not handicapped by large donations of grants of lands and reservations requiring exemption from contribution toward the support of the respective State governments: Therefore be it

Resolved, That the Congress of the United States be, and is hereby, requested to make additional grants of land to be selected from the public domain within the State of New Mexico for the benefit of our common schools, which lands shall be equal in value to the lands heretofore granted to Indians, and which lands were made tax exempt under the provisions required by the enabling act passed by Congress; and be it further

Resolved, That a copy of this resolution be mailed to Senator BRATTON, Senator Larrazolo, and Senator CUTTING; also to Congressman Morrow and Congressman-elect SIMMS; that copies be mailed to the President of the Senate and to the President of the United States.

HUGH B. WOODWARD,
President of the Senate.

Attest:

FRANK STAPLIN,
Chief Clerk of the Senate.
ROMAN L. BACA,
Speaker of the House of Representatives.

Attest:

ISIDORO ARMIJO,
Chief Clerk of the House of Representatives.

Approved by me this 12th day of March, 1929.

R. C. DILLON,
Governor of the State of New Mexico.

The VICE PRESIDENT also laid before the Senate the following joint memorials of the Legislature of the State of New Mexico, which were referred to the Committee on Public Lands and Surveys:

Senate Joint Memorial No. 5 (introduced by Senator Oliver M. Lee) requesting the Congress of the United States to enact a law pertaining to the leasing of the public domain

To the Senate and House of Representatives of the United States in Congress assembled:

The Legislature of the State of New Mexico respectfully requests the Congress of the United States to enact a law pertaining to the leasing of the public lands suitable only for grazing purposes, which shall insure the equitable allocation of leases by the Secretary of the Interior and recognize the priority of use as establishing priority right to lease: *Provided*, That such leasing fee shall not exceed the actual cost of administration plus 34 per cent, which surplus shall be paid into the treasury of the State where the leased lands are situated, for the benefit of the common schools: *And provided further*, That such leases shall not cover any public lands located within three miles of a city, town, village, or community.

HUGH B. WOODWARD,
President of the Senate.

Attest:

FRANK STAPLIN,
Chief Clerk of the Senate.
ROMAN L. BACA,
Speaker of the House of Representatives.

Attest:

ISIDORO ARMIJO,
Chief Clerk of the House of Representatives.

Approved by me this 11th day of March, 1929.

R. C. DILLON,
Governor of New Mexico.

Senate Joint Memorial No. 4 (introduced by Mr. Lee)

A joint memorial petitioning the Senate and House of Representatives of the United States to either so amend the present acts of Congress relating to the leasing of certain classes of public mineral lands so as to apply to deposits of granulated gypsum lands in New Mexico, or, if deemed inadvisable so to do, to grant such gypsum mineral lands to the State of New Mexico to be leased under such laws as such State may provide for the benefit of the public-school system of the State of New Mexico

To the honorable Senate and House of Representatives of the United States:

Your memorialist, the Legislature of the State of New Mexico, respectfully calls the attention of your honorable bodies to the fact that there exists in the southern part of this State, situated upon townships 16, 17, 18, and 19 south, ranges 5, 6, and 7 east, on public domain of the United States, vast and continuous deposits of practically pure gypsum in a granulated state, lying to a maximum of 100 feet or more above the surrounding surface and estimated to cover some 250,000 acres of such public domain, which character of deposits are susceptible in a natural state of beneficial uses, and through chemical and other manufacturing processes of being converted into useful, necessary, and profitable products, both in building and many commercial uses, but that on account of the same being of a gypsum character and content does not come under the present leasing laws of the United States for minerals of certain character situated on the public domain, and can only be located and acquired or brought into profitable development under the present laws of the United States applicable to the location and patenting of placer mineral lands and thereunder only in such small areas as to not justify the exploitation thereof for commercial purposes because of the difficulties of access, the necessity of those undertaking the same of having the advantages of operating on larger tracts than can be acquired under such laws, and other disadvantages surrounding the location of such deposits and the amount of capital necessary in the exploitation of the same to justify extensive operations of manufacturing plants, and that as a consequence of such facts such vast deposits, although at all times already discovered and publicly known, have remained undeveloped and unprofitable to the United States in the ownership thereof and also to the commercial public and citizens of the United States generally.

Your petitioners therefore respectfully petition your honorable bodies either so to amend the laws of the United States as to bring such character of depositations under the mineral leasing laws thereof with such changes therein as may be necessary to adapt and bring such character of deposits under such leasing laws, or, if for any reason such procedure may not be deemed advisable by the Congress, then that such townships of public domain containing such deposits so situated in the State of New Mexico be granted by your honorable bodies by proper enactment to the State of New Mexico, to be held in perpetuity thereby and to be leased upon a royalty basis under such laws as may be enacted by said State, the revenues arising from such leasing to be used by such State in the maintenance of the public-school system thereof.

Resolved further, That a copy of this resolution, certified by the officials of the legislative bodies of this State now sitting, and forwarded, respectively, one to the President of the Senate of the United States, one to the Speaker of the House of Representatives thereof, and one to each of the State's Senators and Representatives in such Congress, and that such Senators and Representatives be, and they hereby are, requested, in so far as they consistently may do so, to further such enactment by the Congress of the United States to carry out the object and purposes of this memorial, and to prepare and further such amendments to the existing leasing laws herein referred to or such independent bill enactment as may be necessary therefor.

HUGH B. WOODWARD,
President of the Senate.

Attest:

FRANK STAPLIN,
Chief Clerk of the Senate.
ROMAN L. BACA,
Speaker of the House of Representatives.

Attest:

ISIDORO ARMIJO,
Chief Clerk of the House of Representatives.

Approved by me this 11th day of March, 1929.

R. C. DILLON,
Governor of New Mexico.

Senate Joint Memorial No. 1 (introduced by Mr. Floyd W. Lee)

A resolution protesting against the further granting of public domain to Indians in the State of New Mexico

Whereas it has been brought to the attention of this body that additional grants of public domain have been made in favor of Indians of New Mexico; and

Whereas heretofore several million acres of the most valuable portions of the public domain have been donated to the Indians of New Mexico; and

Whereas such lands so donated are exempt from taxation, thereby eliminating sources of possible revenue in support of our State government, thus creating additional hardships and burdens for our taxpayers; and

Whereas the constant and many donations of our public domain, in excess of the areas utilized or required by the Indians, is a great hindrance to the populating and building up of our State: Therefore be it

Resolved, That the Senate and Congress of the United States be, and hereby is, requested to make no further grants or donations from the public domain to the Indians within the State of New Mexico; and be it further

Resolved, That a copy of this resolution be sent to the President of the Senate, Speaker of the House of Representatives, John W. Morrow, Member of Congress, Senator O. A. Larrazolo, Senator Sam G. Bratton.

HUGH B. WOODWARD,
President of the Senate.

Attest:

FRANK STAPLIN,
Chief Clerk of the Senate.
ROMAN L. BACA,
Speaker of the House of Representatives.

Attest:

ISIDORO ARMIJO,
Chief Clerk of the House of Representatives.

Approved by me this 11th day of March, 1929.

R. C. DILLON,
Governor of New Mexico.

The VICE PRESIDENT also laid before the Senate the following joint resolution of the Legislature of the State of New Mexico, which was referred to the Committee on Indian Affairs:

House Joint Resolution, 16 (introduced by Charles Madrid and William A. Spence)

A resolution memorializing the Congress of the United States, the President of the United States, and the Secretary of the Interior relative to an appropriation by Congress to defray the cost, tuition, and expense of enrolling and maintaining 10 Indian boys yearly from the Government Indian schools in the State of New Mexico, in the New Mexico Military Institute.

Be it resolved by the Legislature of the State of New Mexico:

Whereas, there are a number of grade schools in the State of New Mexico maintained by the Government of the United States for the benefit of both pueblo and tribal Indians residing in the State of New Mexico; and

Whereas, we recognize the right of the Indians attending these schools to the advantages of a higher education and the benefits to be derived by the Indians, this State, and the United States as a whole by the better education of the Indians; and

Whereas, it has been demonstrated that the Indians of New Mexico are very susceptible to diseases such as tuberculosis from the more severe climates and lower altitudes of other States while attending schools of higher learning maintained by the Government for their benefit; and

Whereas, we believe that the New Mexico Military Institute located at Roswell, N. Mex., a State military institution of the State of New Mexico, rated by the United States Government as one of the first 10 class M military schools in the United States, offers a course of training which would be most beneficial, both physically and mentally to Indian boys from such Government grade schools, and one which would tend to more rapidly Americanize and equip them for better citizenship, due to their association with cadets of the white race; and

Whereas, it would be possible for said military institute to enroll and care for, for the full 6-year course thereof, approximately 10 Indian cadets each year, to be selected from such Government Indian schools in the State of New Mexico, provided the entire expense thereof be paid by the United States Government: Therefore be it

Resolved, That the Congress of the United States be, and it hereby is, requested to appropriate a sufficient amount from available funds for the purpose of defraying the cost, tuition, and expense of enrolling and maintaining in the said New Mexico Military Institute, for the full 6-year course thereof, 10 Indian boys each year, from the Government Indian schools in the State of New Mexico, to be selected upon such competitive basis as may be deemed proper; be it

Further resolved, That a copy of this resolution be mailed to Senator BRATTON, Senator Larrazolo, and Senator CUTTING, also to Congressman Morrow and Congressman-elect SIMMS; that copies thereof

be mailed to the President of the United States, to the President of the Senate, and to the Secretary of the Interior.

HUGH B. WOODWARD,
President of the Senate.

Attest:

FRANK STAPLIN,
Chief Clerk of the Senate.

ROMAN L. BACA,
Speaker of the House of Representatives.

Attest:

ISIDORO ARMIJO,
Chief Clerk of the House of Representatives.

Approved by me this 11th day of March, 1929.

R. C. DILLON,
Governor of the State of New Mexico.

The VICE PRESIDENT also laid before the Senate the following joint memorial of the Legislature of the State of New Mexico, which was referred to the Committee on Indian Affairs:

Senate Joint Memorial No. 3 (introduced by Mr. Booscher)

A joint memorial of the Senate and House of Representatives of the State of New Mexico to the President of the United States, the Congress of the United States, the Secretary of the Interior, and the Commissioner of Indian Affairs memorializing Congress, voicing disapproval and condemning certain reports relative to the United States Indian schools within this State, and expressing confidence in the several committees investigating said reports, and expressing confidence in the governing officials of said Indian schools

Whereas there has recently been circulated across the length and breadth of the United States, through the columns of a well-known magazine having an extensive circulation, charges that certain United States Indian schools situate in the State of New Mexico have, through their governing authorities, been grossly negligent and cruel in caring for, housing and disciplining the Indian children of the different tribes represented in these schools; and

Whereas pursuant to said accusations an investigation committee, headed by the Governor of the State of New Mexico, and comprising reputable and distinguished citizens of this State, has conducted a thorough investigation into the matters charged against said Indian-school administration; and

Whereas other committees of representative citizens of the State of New Mexico have likewise conducted independent investigations; and

Whereas all of said committees have uniformly found and reported said charges to be unfounded and the facts alleged therein as grossly distorted and exaggerated and have found and reported to the contrary that the Indian children in the Government schools within the State of New Mexico have been well fed, well housed, and have had proper medical attention and care, and that disciplinary measures have been moderate and reasonable; and

Whereas attacks have been made upon the good faith of these representative committees and upon their findings as shown by their reports: Now, therefore, be it

Resolved by the Senate of the State of New Mexico (the House of Representatives concurring), That we memorialize the Congress of the United States and the Secretary of the Interior, expressing our confidence in the several committees from the State of New Mexico, which have conducted said investigations and our confidence in the accuracy and integrity of the reports as made by said committees and our belief based upon our confidence in the said committees and their reports that the governing officials in said Indian schools are conducting said institutions in a fair, careful, efficient, and progressive manner and for the best interest of the wards of the Government under their supervision; and be it further

Resolved, That copies of this memorial be sent to the President of the United States, the President of the Senate of the United States, the Speaker of the House of Representatives, the Secretary of the Interior Department, the Commissioner of Indian Affairs, and the Senators and Representative in Congress from the State of New Mexico.

HUGH B. WOODWARD,
President of the Senate.

Attest:

FRANK STAPLIN,
Chief Clerk of the Senate.

ROMAN L. BACA,
Speaker of the House of Representatives.

Attest:

ISIDORO ARMIJO,
Chief Clerk of the House of Representatives.

Approved by me this 6th day of March, 1929.

R. C. DILLON,
Governor of New Mexico.

The VICE PRESIDENT also laid before the Senate the following joint resolution of the Legislature of the State of Wisconsin, which was referred to the Committee on Agriculture and Forestry:

Joint resolution memorializing Congress to enact legislation for the development of Muscle Shoals for the benefit of all of the people of the United States instead of turning it over to private companies for their benefit

Whereas for some years Congress has been discussing the proper method of utilizing the power of Muscle Shoals, a giant power-producing dam in Alabama, upon which over $150,000,000 has already been spent by this Government and which, if kept intact by the Government and developed, will produce almost unlimited hydroelectric energy which will be of untold benefit to the people of the United States; and

Whereas this great natural resource if turned over to a private corporation would benefit only a limited few, and such action would, in effect, represent a donation of millions of dollars of public funds to private interests: Now, therefore, be it

Resolved by the senate (the assembly concurring), That the Legislature of the State of Wisconsin does hereby urge Congress not to turn over the project known as Muscle Shoals or any of our power-producing resources, developed or undeveloped, to private enterprise and requests that Congress take immediate steps to develop the Muscle Shoals power project and operate it for the good of the people of the United States, so that all may share in its benefits; and be it further

Resolved, That a copy of this resolution, properly attested, be sent to the President of the United States and to the presiding officers of both Houses and to each Wisconsin Member thereof.

HENRY A. HUBER,
President of the Senate.

O. G. MUNSON,
Chief Clerk of the Senate.

CHAS. B. PERRY,
Speaker of the Assembly.

C. E. SHAFFER,
Chief Clerk of the Assembly.

The VICE PRESIDENT also laid before the Senate the following joint resolution of the Legislature of the State of Wisconsin, which was referred to the Committee on Post Offices and Post Roads:

Joint resolution memorializing the Congress of the United States to increase the Federal aid for highways

Whereas there is now pending in Congress a bill known as H. R. 13323, introduced by Hon. E. E. BROWNE, a Representative from Wisconsin, appropriating and setting apart as a special highway fund the proceeds from the sale at the close of the World War of trucks, tractors, and other surplus war materials and supplies to the Government of France, amounting to more than $400,000,000, which Congress prior to such sale had provided should be turned over to the several States for use in highway improvement; and

Whereas the rapid improvement of the Federal trunk highways is one of the greatest needs of this country and one which should have precedence of nearly all other Federal expenditures: Now, therefore, be it

Resolved by the senate (the assembly concurring), That the Legislature of the State of Wisconsin respectfully memorializes and urges the Congress of the United States to pass the Browne bill, H. R. 13323, or some other bill which will materially increase the Federal aid for highways; and be it further

Resolved, That a copy of this resolution, properly attested, be sent to the presiding officer of each House of the Congress and to each Wisconsin Member thereof.

HENRY A. HUBER,
President of the Senate.

O. G. MUNSON,
Chief Clerk of the Senate.

CHAS. B. PERRY,
Speaker of the Assembly.

C. E. SHAFFER,
Chief Clerk of the Assembly.

The VICE PRESIDENT also laid before the Senate the following joint resolutions of the Legislature of the State of Wisconsin, which were referred to the Committee on the Judiciary:

Joint resolution memorializing the Congress of the United States to provide for a nation-wide referendum on the question of modifying the Volstead Act

Whereas at a referendum held in November, 1926, the voters of the State of Wisconsin registered their disapproval of prohibition by a majority of approximately 176,000 votes; and

Whereas by such action the people of Wisconsin have in no uncertain terms declared themselves to be in favor of a modification of the Volstead Act which will permit the manufacture and sale of 2.75 per cent beer; and

Whereas there has been a great deal of discussion throughout the entire United States concerning the advisability of a change in the present-day prohibition conditions; and

Whereas a nation-wide test on the question of modifying the Volstead Act would afford the means of accurately measuring the sentiment of the entire country: Therefore be it

Resolved by the senate (the assembly concurring), That the members of the Legislature of the State of Wisconsin hereby record themselves as respectfully memorializing Congress to enact the necessary legislation for the holding of a nation-wide referendum on the question of modifying the Volstead Act to legalize the manufacture and sale of 2.75 per cent beer; be it further

Resolved, That a copy of this resolution, duly attested by the proper officers of the senate and assembly, be transmitted to the presiding officers of each House of Congress.

HENRY A. HUBER,
President of the Senate.
O. G. MUNSON,
Chief Clerk of the Senate.
CHAS. B. PERRY,
Speaker of the Assembly.
C. E. SHAFFER,
Chief Clerk of the Assembly.

Joint resolution memorializing Congress to provide for earlier seating of United States Senators and Representatives elect

Whereas the Constitution of the United States now provides that Members of Congress who are elected in November of even-numbered years shall not meet in regular session until December of the year following; and

Whereas in December following each general election the old Congress convenes in its second regular session, in which there are always many Members who are repudiated by the constituents, but who, under the present system, often have it within their power to nullify the wish of the people as expressed in the election; and

Whereas with improvements in transportation there is no longer any good reason why the new Congress, rather than the old Congress, should not convene shortly after the election: Now, therefore, be it

Resolved by the senate (the assembly concurring), That the Legislature of the State of Wisconsin hereby earnestly requests and petitions Congress to adopt and submit to the States the so-called Norris amendment to the Constitution of the United States for the earlier commencement of the terms of President, Vice President, and Members of Congress, and for the convening of Congress in January of the year following its election.

Resolved, That a copy of this resolution, duly attested by the presiding officers and chief clerks of the senate and assembly, be forwarded to the presiding officers of both Houses of Congress and to the Wisconsin Senators and Representatives therein.

HENRY A. HUBER,
President of the Senate.
O. G. MUNSON,
Chief Clerk of the Senate.
CHAS. B. PERRY,
Speaker of the Assembly.
C. E. SHAFFER,
Chief Clerk of the Assembly.

The VICE PRESIDENT also laid before the Senate the following joint resolutions of the Legislature of the State of Wisconsin, which were referred to the Committee on Finance:

Joint resolution memorializing the Congress of the United States to increase the duty on all imported cheese

Whereas recent investigation shows that millions of pounds of cheese are being imported annually into this country; and

Whereas the unloading of this cheese on American markets is in direct competition with and materially decreases the value of our home products; and

Whereas the American farmer generally, with his large investment in farm capital and ever-increasing expenditures, is entitled to the highest protection from foreign competition that can be afforded to his products: Now, therefore, be it

Resolved by the senate (the assembly concurring), That this legislature respectfully memorialize and urge the Congress of the United States to enact during this session the necessary legislation which will increase the duty on all imported cheese to not less than 10 cents per pound; and be it further

Resolved, That suitable copies of this resolution, properly attested, be forwarded to the President of the United States Senate, the Speaker of the House of Representatives, and to each United States Senator and Representative in Congress from this State.

HENRY A. HUBER,
President of the Senate.
O. G. MUNSON,
Chief Clerk of the Senate.
CHAS. B. PERRY,
Speaker of the Assembly.
C. E. SHAFFER,
Chief Clerk of the Assembly.

Joint resolution relating to the proposed tariff on lumber from Canada

Whereas the supply of lumber grown in the United States is steadily decreasing and the demand by the farmers, home owners, and industrial users for lumber, shingles, logs, box shooks, and crating is constantly increasing; and

Whereas any curtailment of supply or raise of prices will result in increasing costs to the agricultural and all other industries, and is not in harmony with any program of farm relief; and

Whereas the importation of Canadian lumber operates to save our fast diminishing supply and is in accordance with the sound theory of conservation of forests; and

Whereas the tariff on lumber from Canada would increase the price of our lumber products in this country for the benefit of a small lumber group in the northwestern part of the United States; and

Whereas the imposition of a tariff on lumber from Canada is likely to be followed by increases in the duties upon products from the United States imported into Canada and is also likely to defeat all relations with Canada for the construction of the Great Lakes-St. Lawrence deep waterway, which is such a vital necessity to the entire Middle West: Therefore be it

Resolved by the assembly (the senate concurring), That this legislature hereby records its opposition to any tariff on lumber and shingles from Canada and respectfully memorializes the Congress of the United States to defeat any proposal for such a tariff duty; be it further

Resolved, That duly attested copies of this resolution be sent to both Houses of the Congress of the United States and to each Wisconsin Member thereof.

HENRY A. HUBER,
President of the Senate.
O. G. MUNSON,
Chief Clerk of the Senate.
CHAS. B. PERRY,
Speaker of the Assembly.
C. E. SHAFFER,
Chief Clerk of the Assembly.

The VICE PRESIDENT also laid before the Senate a resolution adopted by the City Council of Chicago, Ill., favoring the passage of legislation to the end that the rate of taxation to be paid upon earned income shall be reduced and that the present method of allowing reduction for said earned income shall be discontinued, etc., which was referred to the Committee on Finance.

The VICE PRESIDENT also laid before the Senate a resolution adopted by the City Council of the City of Chicago, Ill., favoring amendment of the immigration law relative to national origins, which was referred to the Committee on Immigration.

The VICE PRESIDENT also laid before the Senate a communication from the commander in chief of the Grand Army of the Republic favoring the passage of legislation granting additional aid to Civil War veterans and their widows so as to procure for them the necessities of life, which was referred to the Committee on Pensions.

The VICE PRESIDENT also laid before the Senate a communication from William S. Bennet, general counsel, Edward Hines Associated Lumber Interests, of Chicago, with accompanying papers, relative to the lumber industry, which was referred to the Committee on Agriculture and Forestry.

The VICE PRESIDENT also laid before the Senate a communication from the Independence (Kans.) Chamber of Commerce indorsing Joe D. Kramer for the position of supervisor of the 1930 census for the district composed of Montgomery, Wilson, Elk, Chautauqua, and Cowley Counties, Kans., which was referred to the Committee on Commerce.

The VICE PRESIDENT also laid before the Senate resolutions adopted by the board of directors of the State Agricultural Credit Corporation (Inc.), of New Orleans, La., favoring the imposition of adequate tariff duties on imported sugars, which was referred to the Committee on Finance.

The VICE PRESIDENT also laid before the Senate a resolution adopted by the Board of Realtors of the Oranges and Maplewood, N. J., protesting against the imposition of tariff duties on timber, lumber, lath, and shingles imported into the

United States, which was referred to the Committee on Finance.

The VICE PRESIDENT also laid before the Senate resolutions adopted by the State meeting of the Mississippi Division of the Southern Tariff Association, at Jackson, Miss., relative to the tariff as proposed to be applied to more than 40 lines of productive industries and allied interests participating in the convention, which was referred to the Committee on Finance.

The VICE PRESIDENT also laid before the Senate resolutions adopted by the executive council of the Federal Bar Association of the United States indorsing and pledging its support to the President of the United States in the execution of his plans for the enforcement of the laws of the land, etc., which were referred to the Committee on the Judiciary.

The VICE PRESIDENT also laid before the Senate petitions of sundry citizens of the States of Indiana, Tennessee, Florida, Virginia, and Michigan, praying for the passage of legislation granting increased pensions to widows of Civil War veterans, which were referred to the Committee on Pensions.

The VICE PRESIDENT also laid before the Senate a resolution adopted by the Wm. H. Erwin Camp, No. 7, Department of Kansas, United Spanish War Veterans, of Hutchinson, Kans., favoring the passage of legislation granting an increase of pension to Mrs. Edna B. Funston, widow of the late Gen. Frederick Funston, United States Army, which was referred to the Committee on Pensions.

The VICE PRESIDENT also laid before the Senate a communication from Paul Reusser, of Moundridge, Kans., relative to the problem of farm relief, which was referred to the Committee on Agriculture and Forestry.

The VICE PRESIDENT also laid before the Senate a communication from the Glass Container Association of America, inclosing a supplementary brief of that association relative to paragraphs 217 and 218 of the tariff act of 1922 relative to glass and glass containers, which was referred to the Committee on Finance.

The VICE PRESIDENT also laid before the Senate a resolution of the City Council of Los Angeles, Calif., favoring a deduction of 50 per cent in the tax rate on earned incomes below the rate on unearned incomes, which was referred to the Committee on Finance.

The VICE PRESIDENT also laid before the Senate a resolution adopted by the board of supervisors of the city and county of San Francisco, Calif., favoring a reduction of 50 per cent in the tax rate on earned income below the rate on unearned income, which was referred to the Committee on Finance.

The VICE PRESIDENT also laid before the Senate resolutions adopted by the Chicago Federation of Labor favoring amendment of the Federal income tax law so as to provide that earned income shall be taxed at a lower rate than income received from invested capital or property, which were referred to the Committee on Finance.

The VICE PRESIDENT also laid before the Senate resolutions adopted at a meeting of the Implement Dealers' Association of Larned, Kans., favoring the passage of legislation providing adequate farm relief, which were referred to the Committee on Agriculture and Forestry.

The VICE PRESIDENT also laid before the Senate a communication from Eugene Clark, a railroad traffic expert of the Interstate Commerce Commission, relative to the classification of himself and colleagues under the classification act, which was referred to the Committee on Interstate Commerce.

The VICE PRESIDENT also laid before the Senate resolutions of the administrative committee of the Federal Council of the Churches of Christ in America expressing its satisfaction at the large number of important treaties ratified by the Senate during the recent short session, etc., which were referred to the Committee on Foreign Relations.

The VICE PRESIDENT also laid before the Senate petitions of sundry citizens of the States of Kansas, New York, and Michigan, praying for the passage of legislation to repeal the national-origins provision of the immigration act and for the continuance of quotas based on 2 per cent of the 1890 census, which were referred to the Committee on Immigration.

The VICE PRESIDENT also laid before the Senate 13 resolutions adopted by merchants and civic organizations in the State of California, favoring the passage of legislation for a reduction of 50 per cent in the Federal tax on earned income, which were referred to the Committee on Finance.

The VICE PRESIDENT also laid before the Senate a resolution of the League of Business and Professional Women, of San Francisco, Calif., favoring the passage of legislation for a substantial reduction of the Federal income taxes on earned income, which was referred to the Committee on Finance.

The VICE PRESIDENT also laid before the Senate the petition of M. S. Wolkoff, of Philadelphia, Pa., praying that Germany be made to contribute to the support of World War invalids, widows, and orphans, which was referred to the Committee on Foreign Relations.

The VICE PRESIDENT also laid before the Senate memorials of sundry citizens of the United States remonstrating against the plan of revising the present calendar, unless a proviso be included therein definitely guaranteeing the preservation of the continuity of the weekly cycle without the insertion of blank days, which was referred to the Committee on Foreign Relations.

Mr. FESS presented petitions of sundry citizens of the State of Ohio, praying for the passage of effective farm relief legislation, which were referred to the Committee on Agriculture and Forestry.

Mr. GOULD presented a petition of members of the York County delegation of the eighty-fourth legislature, in the State of Maine, praying for the building of two, or perhaps three, of the submarines already authorized to be built, at their local yards, which was referred to the Committee on Naval Affairs.

Mr. FRAZIER presented the petition of O. G. Glaserud and 122 other citizens of Grand Forks and vicinity, in the State of North Dakota, praying for the repeal of the national-origins provision of the immigration act, and for the continuance of quotas based on 2 per cent of the 1890 census, which was referred to the Committee on Immigration.

He also presented the petition of O. C. Anderson and 67 other citizens in the State of North Dakota, praying for the passage of legislation appointing a special committee to investigate as to the fluctuation of the livestock market at the terminals in the Northwest, etc., which was referred to the Committee on Agriculture and Forestry.

Mr. WALSH of Montana presented the following joint memorial of the Legislature of the State of Montana, which was referred to the Committee on Agriculture and Forestry:

Senate Joint Memorial 8

Memorial to the Congress of the United States of America directing attention to the great need for authorizing the appropriation of adequate moneys for the construction and maintenance of fire lanes, telephone lines, roads and trails, and other improvements necessary for the prevention of fires on the forested areas of Montana, and for the construction of stock driveways, stock-watering places, and other similar improvements desirable for range management

To the honorable Senate and House of Representatives of the United States of America:

Your memorialists, the members of the Twenty-first Legislative Assembly of the State of Montana, the senate and house concurring, respectfully represent that—

Whereas the protection of the large quantity of growing timber on the lands of the United States lying within the State of Montana is of great importance to the people of the State because of its economic value; and

Whereas forest fires destroy more timber crops than any other destructive agency; and

Whereas the immediate construction of adequate fire lanes, telephone lines, lookout houses, trails, and other improvements is necessary on such timbered areas for effective control and suppression of forest fires; and

Whereas great benefit will accrue to the livestock industry of the State by the construction upon the grazing lands within the national forests, of adequate stock driveways, drifts, and division fences, corrals, bridges, stock-watering places, and the extermination of predatory animals, and the eradication of poisonous plants; and

Whereas House bill No. 16078, introduced on January 9, 1929, in the Seventieth Congress, by Representative ENGLEBRIGHT, authorizes to be appropriated for the aforesaid purposes $4,500,000 for the fiscal year 1931; $4,500,000 for the fiscal year 1932; $4,200,000 for the fiscal year 1933; and $4,000,000 for each subsequent fiscal year thereafter: Therefore be it

Resolved, by the Twenty-first Legislative Assembly of Montana, That the Congress of the United States is hereby respectfully urged to make the appropriations specified above and for the purposes herein set forth; and be it further

Resolved, That a copy of this memorial be sent to the chairman of the Committee on Appropriations, the Speaker of the House of Representatives, the President of the Senate of the United States, and to each of the Congressmen and Senators representing the State of Montana in Congress.

Approved by J. E. Erickson, governor, February 27, 1929.

Mr. WALSH of Montana also presented the following joint memorial of the Legislature of the State of Montana, which was referred to the Committee on Finance:

House Joint Memorial 5

Memorial to the Congress of the United States, requesting the enactment of such legislation as may be necessary to protect the poultry industry

To the honorable Senate and House of Representatives of the United States of America:

Your memorialists, the members of the Twenty-first Legislative Assembly of the State of Montana, the house and the senate concurring, respectfully represent:

Whereas the poultry growers of the United States are now meeting with destructive competition and can not survive the present rate of increase in the importation of dressed poultry; and

Whereas the poultry growers of the United States are entitled to the advantage of a tariff, so called, that it will effectually diminish the volume of such imports; and

Whereas such imports originate in countries where the cost of production is materially less than in the United States; and

Whereas such tariff protection is absolutely necessary to the development and success of the poultry industry: Now, therefore, be it

Resolved, That it is the sense of your memorialists, the Legislative Assembly of the State of Montana, that the Congress of the United States should by proper legislation adequately protect the interests of the poultry industry by increasing the duty upon dressed poultry; be it further

Resolved, That a copy of this memorial, duly authenticated, be sent to the President of the Senate and the Speaker of the House of Representatives of the United States, and to each of the Senators and Representatives of Montana.

Approved by J. E. Erickson, governor, March 6, 1929.

Mr. WALSH of Montana also presented the following joint memorial of the Legislature of the State of Montana, which was referred to the Committee on Indian Affairs:

House Joint Memorial 4

A memorial to the Congress of the United States requesting that speedy consideration be given claims of the Indian tribes herein mentioned and that the Comptroller General be directed to submit his data on the compilation of the counterclaims of the United States against said Indian tribes

To the honorable Senate and House of Representatives of the United States of America:

Whereas the various tribes of Indians of the State of Montana have instituted an action by the filing of a petition in the Court of Claims of the United States No. E-427, under date of July 10, 1925, to hear, determine, and adjudicate the rights of the said various tribes of Indians arising under certain treaty stipulations, covenants, and agreements; and

Whereas the said petition has been pending and unnecessarily delayed too long in the said Court of Claims; and

Whereas the said various tribes of Indians who are now citizens of the United States, by virtue of the act of Congress of June 2, 1924, and have therefore become an integral part of the Nation and are entitled to some consideration in respect to their vested property rights;

Now, therefore, your memorialists request that said petition now pending in the Court of Claims be given speedy consideration and urge that you request or command the Comptroller General to submit his data on the compilation of the counterclaims of the United States against said various tribes of Indians; namely, Piegan, Blood, Blackfeet, Gros Ventre, and Nez Perce Tribes of Indians who have instituted the said action by the act of Congress approved March 13, 1924, entitled: "An act for the relief of certain nations or tribes of Indians in Montana, Idaho, and Washington (43 Stat. L. 21);" and be it further

Resolved, That the said Comptroller General be compelled to submit the said data or an estimate of the said counterclaims at as early a date as possible in order to expedite the speedy adjudication of the said claims of the said various tribes of Indians; be it further

Resolved, That a copy of this memorial, duly authenticated, be sent to the Senate and House of Representatives of the United States and to each of the Senators and Representatives of Montana in Congress with the request that they use every effort within their power to bring about an accomplishment of the ends and purposes herein indicated.

Approved by J. E. Erickson, Governor, March 12, 1929.

Mr. WALSH of Montana also presented the following joint memorial of the Legislature of the State of Montana, which was referred to the Committee on the Library:

House Joint Memorial 3

Memorial to the Congress of the United States designating the late Charles Marion Russell as a distinguished and illustrious citizen of the State of Montana and requesting a suitable place be provided in the National Statuary Hall for a statue of the said deceased

To the honorable Senate and House of Representatives of the United States of America:

Your memorialists, the members of the Twenty-first Legislative Assembly of the State of Montana, the house and the senate concurring, respectfully represent:

Whereas the late Charles Marion Russell was one of the distinguished citizens of the State of Montana, he having become famous as an artist in the depicting on canvas the early life of Montana, whereby scenes of historical interest have been preserved; and

Whereas the paintings of the said Charles Marion Russell have been widely distributed and thereby became known, honored, and enjoyed universal fame; and

Whereas we believe that due honor to the name and memory of Charles Marion Russell can be no better preserved than by placing a statue of marble or bronze of said distinguished artist in the National Statuary Hall in the National Capitol Building at Washington, D. C.: Now, therefore, be it

Resolved, That it is the sense and desire of your memorialists that the late Charles Marion Russell be hereby designated and named as a distinguished and illustrious citizen of the State of Montana and that a place be provided in the National Statuary Hall in the National Capitol Building at Washington, D. C., in which a statue of marble or bronze be placed, and for that purpose the Governor of the State of Montana is hereby authorized to constitute a commission, with himself as chairman and three other members to be by him appointed, for the purpose of securing and designing each statue and to attend to its construction and furnishing the same to the suitable representatives of the United States to be placed in the said National Statuary Hall, and to attend to the certification by the State of Montana of this designation of the late Charles Marion Russell as entitled to said place; and be it further

Resolved, That a copy of this memorial, duly authenticated, be sent to the Senate and House of Representatives of the United States and to each of the Senators and Representatives of Montana in Congress.

Approved by J. E. Erickson, governor, March 1, 1929.

Mr. KING presented the following concurrent resolution of the Legislature of the State of Utah, which was referred to the Committee on Irrigation and Reclamation:

A concurrent resolution memorializing Congress to enact legislation to provide for the making of loans to drainage or levee districts, and for other purposes

Resolved by the Legislature of the State of Utah (the governor concurring therein):

Whereas there is now pending in the Congress of the United States Senate bill No. 4689 and House resolution No. 14116, providing for the making of loans to drainage and levee districts, and for other purposes; and

Whereas such proposed legislation, if enacted, will afford great relief to landowners within drainage districts in the State of Utah: Therefore be it

Resolved, That the Legislature of the State of Utah, the governor concurring therein, urges the enactment of said legislation by the Congress of the United States at its coming special session.

Mr. KING also presented the following concurrent memorial of the Legislature of the State of Utah, which was referred to the Committee on Public Lands and Surveys:

A memorial to the Secretary of the Interior requesting him to survey and classify agricultural lands in the upper basin of the Colorado River system

To the Secretary of the Department of the Interior:

Your memorialists, the Governor and the Legislature of the State of Utah, respectfully represent that—

Whereas by the terms of the Colorado River compact 7,500,000 acre-feet of water annually are allocated to the States of Wyoming, Colorado, Utah, and New Mexico in perpetuity for their beneficial consumptive use; and

Whereas there will eventually be required a subsidiary compact between the States of Wyoming, Colorado, Utah, and New Mexico to divide the 7,500,000 acre-feet among the said States; and

Whereas such division can not be intelligently or equitably made until a survey is had to determine the number of acres in each of said States susceptible of reclamation by means of water from the Colorado River system, and classifying such lands as to their probable relative productivity, and making a soil survey if necessary; and

Whereas the Boulder Canyon project act, approved December 21, 1928, contemplates an eventual, comprehensive development of the entire Colorado River Basin; and

Whereas no comprehensive plan of development can be adopted until by means of a survey and classification of the reclaimable lands in each of the States of the Colorado River Basin, their potentialities have been accurately determined; and

Whereas the unreclaimed land in the Colorado River Basin is nearly all the property of the United States, over which the States have no control: Therefore

Your memorialists, the Governor and the Legislature of the State of Utah, respectfully request and urge that the Department of the Interior forthwith begin and as rapidly as possible prosecute to completion a complete survey and classification, making a soil survey if deemed necessary, of the agricultural lands situated in the Colorado

River Basin, in the States of Wyoming, Colorado, Utah, and New Mexico.

The governor is hereby directed to transmit a copy of this joint memorial to the Secretary of the Interior, to each Senator and Representative in Congress from this State, and to the Governors of the States of Wyoming, Colorado, and New Mexico, with a request that they and their legislatures join in this petition.

The foregoing Senate Concurrent Memorial No. 3 was publicly read by title and immediately thereafter signed by the President of the Senate, in the presence of the house over which he presides, and the fact of such signing duly entered upon the journal this 5th day of March, 1929.

HAMILTON GARDNER,
President of the Senate.

Attest:

H. L. CUMMINGS,
Secretary of the Senate.

The foregoing Senate Concurrent Memorial No. 3 was publicly read by title and immediately thereafter signed by the Speaker of the House, in the presence of the house over which he presides, and the fact of such signing duly entered upon the journal this 5th day of March, 1929.

DAVID L. STINE,
Speaker of the House.

Attest:

E. L. CROPPER,
Clerk of the House.

Received from the senate this 5th day of March, 1929. Approved March 7, 1929.

GEO. H. DERN, *Governor.*

Received from the governor, and filed in the office of the secretary of state this 7th day of March, 1929.

M. H. WELLING,
Secretary of State.

Mr. LA FOLLETTE presented the following joint resolution of the Legislature of the State of Wisconsin, which was referred to the Committee on Foreign Relations:

Joint resolution relating to the Great Lakes-St. Lawrence waterway

Whereas the people of this State, regardless of their differences of opinion upon other questions, are unanimous in regarding the Great Lakes-St. Lawrence waterway as the greatest possible boon, not only to this State and the Northwest, but to the entire country as well; and

Whereas conditions appear now to be favorable to the conclusion of a treaty with Canada and the enactment of the necessary legislation to make this project a reality: Now, therefore, be it

Resolved by the senate (the assembly concurring), That this legislature hereby again expresses the great interest of the people of the State of Wisconsin in the early completion of the Great Lakes-St. Lawrence waterway project and respectfully memorializes the President of the United States to conclude a treaty with Canada upon this waterway, and the Senate to promptly ratify such a treaty if submitted, and the Congress to pass necessary legislation to give effect thereto; be it further

Resolved, That properly attested copies of this resolution be sent to the President of the United States, to the presiding officers of both Houses of the Congress of the United States and to each Wisconsin Member thereof.

HENRY A. HUBER,
President of the Senate.
O. G. MUNSON,
Chief Clerk of the Senate.
CHAS. B. PERRY,
Speaker of the Assembly.
C. E. SHAFFER,
Chief Clerk of the Assembly.

Mr. LA FOLLETTE also presented the following joint resolution of the Legislature of the State of Wisconsin, which was referred to the Committee on Immigration:

Joint resolution relating to the national-origins clause of the Federal immigration act of 1924

Whereas the immigration act of 1924 included a provision known as the national-origins clause, under which the number of immigrants admitted to the United States from the several European countries was to be determined by the relative number of descendants of people born in these several countries in the population of the United States; and

Whereas the commission, consisting of the Secretary of State, the Secretary of Commerce, and the Secretary of Labor, which was created by the immigration act of 1924 to work out the quotas allowed to each country under the national-origins clause, has reported that there is no reliable basis for determining national origins and that this clause of the immigration law is arbitrary, uncertain, and unjust; and

Whereas President-elect Hoover, who, as Secretary of Commerce, served as a member of the commission to work out the quotas under the national-origins clause, in his campaign for President advocated the repeal of this clause; and

Whereas Congress has twice postponed the taking effect of the national-origins clause, due to its unfairness and uncertainty; and

Whereas despite the practically unanimous disapproval of the national-origins clause by officials charged with its administration, this clause will come into effect on July 1, 1929, unless the present Congress before its adjournment will pass the Nye resolution, or some similar measure, postponing the date of the taking effect of this provision: Now, therefore, be it

Resolved by the senate (the assembly concurring), That the Legislature of Wisconsin hereby respectfully memorializes the Congress of the United States to promptly enact legislation either repealing the national-origins clause of the immigration act of 1924 or indefinitely postponing the time of its taking effect; be it further

Resolved, That duly attested copies of this resolution be sent to the presiding officers of both Houses of Congress and to each Wisconsin Member thereof.

HENRY A. HUBER,
President of the Senate.
O. G. MUNSON,
Chief Clerk of the Senate.
CHAS. B. PERRY,
Speaker of the Assembly.
C. E. SHAFFER,
Chief Clerk of the Assembly.

Mr. LA FOLLETTE presented a joint resolution of the Legislature of the State of Wisconsin favoring the passage of legislation for the development of Muscle Shoals for the benefit of all of the people of the United States instead of turning it over to private companies, which was referred to the Committee on Agriculture and Forestry.

(See joint resolution printed in full when presented to-day by the Vice President, page 88.)

He also presented a joint resolution of the Legislature of the State of Wisconsin favoring the passage of legislation to provide for the earlier seating of United States Senators and Representatives elect, which was referred to the Committee on the Judiciary.

(See joint resolution printed in full when presented to-day by the Vice President, page 89.)

He also presented a joint resolution of the Legislature of the State of Wisconsin favoring the passage of legislation to increase the Federal aid for highways, which was referred to the Committee on Post Offices and Post Roads.

(See joint resolution printed in full when presented to-day by the Vice President, page 88.)

He also presented a joint resolution of the Legislature of the State of Wisconsin favoring the passage of legislation to increase the duty on all imported cheese, which was referred to the Committee on Finance.

(See joint resolution printed in full when presented to-day by the Vice President, page 89.

He also presented a joint resolution of the Legislature of the State of Wisconsin protesting against the passage of legislation placing a tariff on lumber and shingles from Canada, which was referred to the Committee on Finance.

(See joint resolution printed in full when presented to-day by the Vice President, page 89.

Mr. HOWELL presented resolutions adopted respectively by the Senate and House of Representatives of the State of Nebraska protesting against the passage of legislation placing tariff duties upon imports of lumber, shingles, and laths, which were referred to the Committee on Finance.

(See resolutions printed in full when presented to-day by the Vice President, page 80.)

Mr. THOMAS of Idaho presented the following joint memorial of the Legislature of the State of Idaho, which was referred to the Committee on Naval Affairs:

House Joint Memorial 6 (by military committee)

A joint memorial to the honorable the Secretary of the Navy of the United States of America

Your memorialists, the Legislature of the State of Idaho, respectfully represent that—

Whereas there has been passed an enactment in the Congress of the United States of America and which enactment has been approved by the President thereof by which an appropriation of money has been made for the purpose of building 15 cruisers to be a part of the Navy of the United States of America; and

Whereas it has been the custom to give the names of important cities in and capitals of the respective States to the cruisers of our Navy; and

Whereas Boise City, the capital of the State of Idaho, has never been so honored; and

Whereas should the honorable Secretary of the Navy of the United States of America see fit to confer such honor on Boise City, that the so honoring of the capital of the State of Idaho would redound to the entire State:

Now, therefore, your memorialists earnestly request and urge that the honorable Secretary of the Navy of the United States of America do confer the honor on Boise City as the capital of the State of Idaho by naming one of the cruisers to be built by the United States of America "Boise City"; be it further

Resolved by this legislature so assembled that the secretary of state of the State of Idaho is hereby instructed to forward this memorial to the honorable Secretary of the Navy of the United States of America and that copies of the same be sent to the Senators and Representatives in Congress from this State.

This memorial passed the house on the 4th day of March, 1929.

D. S. WHITEHEAD,
Speaker of the House of Representatives.

This memorial passed the senate on the 6th day of March, 1929.

W. B. KINNE,
President of the Senate.

I hereby certify that the within memorial No. 6 originated in the house of representatives during the twentieth session of the Legislature of the State of Idaho.

A. L. FLETCHER,
Chief Clerk of the House of Representatives.

Mr. THOMAS of Idaho also presented the following joint memorial of the Legislature of the State of Idaho, which was referred to the Committee on Agriculture and Forestry:

House Joint Memorial 5 (by livestock committee)

A joint memorial to the Senate and House of Representatives of the United States of America and to the Senators and Representatives from the State of Idaho in Congress assembled

Your memorialist, the Legislature of the State of Idaho, respectfully represents that—

Whereas it has been proven that foot-and-mouth disease of cattle, sheep, and swine is conveyed from one country to another by means of the dressed carcasses of infected animals: Therefore be it

Resolved, That we, your memorialists, the Senate and House of Representatives of the State of Idaho, do hereby petition the Congress of the United States to enact legislation prohibiting the importation into the United States of any meat originating in any country in which foot-and-mouth disease is prevalent; be it further

Resolved, That the secretary of state of the State of Idaho is hereby instructed to forward this memorial to the Senate and House of Representatives of the United States of America, and that copies be sent to the Senators and Representatives in Congress from the State of Idaho.

This memorial passed the house on the 26th day of February, 1929.

D. S. WHITEHEAD,
Speaker of the House of Representatives.

This memorial passed the senate on the 2d day of March, 1929.

W. B. KINNE,
President of the Senate.

I hereby certify that the within memorial No. 5 originated in the house of representatives during the twentieth session of the Legislature of the State of Idaho.

A. L. FLETCHER,
Chief Clerk of the House of Representatives.

Mr. THOMAS of Idaho also presented the following joint memorial of the Legislature of the State of Idaho, which was referred to the Committee on Irrigation and Reclamation:

House Joint Memorial No. 4 (by State affairs committee)—A joint memorial to the honorable Senate and House of Representatives of the United States of America in Congress assembled

Your memorialists, the House of Representatives and Senate of the State of Idaho, respectfully represent: That—

Whereas there is now pending before the Congress of the United States of America legislation popularly known as and called the Smith-Smoot bill, the purpose of which is to provide funds which the Secretary of the Interior may loan to drainage and levee districts, without interest, in order to enable them to retire their bonded indebtedness; and

Whereas the drainage of swamped and water-logged lands and the protection of lands from overflow is necessary to the well-being of the people of the United States of America generally, and the payment of interest upon the bonded indebtedness of drainage and levee districts is a serious burden upon those now required to pay it: Now, therefore, be it

Resolved, That the Legislature of the State of Idaho respectfully requests and urges the Congress of the United States of America to enact into law the said Smith-Smoot bill or other legislation of similar import. Be it further

Resolved, That the secretary of state of the State of Idaho be, and he hereby is, directed to forward this memorial to the Senate and the House of Representatives of the United States of America and that he forward copies thereof to the Senators and Representatives in Congress from this State.

This memorial passed the house on the 27th day of February, 1929.

D. S. WHITEHEAD,
Speaker of the House of Representatives.

This memorial passed the senate on the 2d day of March, 1929.

W. B. KINNE,
President of the Senate.

I hereby certify that the within Memorial No. 4 originated in the house of representatives during the twentieth session of the Legislature of the State of Idaho.

A. L. FLETCHER,
Chief Clerk of the House of Representatives.

INVESTIGATION OF POWER COMPANIES

Mr. WALSH of Montana. Mr. President, the investigation ordered by the Senate into the activities of the alleged Power Trust discloses the use of newspapers throughout the country for the spread of propaganda. In this connection it may be interesting to know that the Power Trust or one of the important factors in it recently acquired two important newspapers, journals of importance in New England. I send to the desk a story of the acquisition of these interests, with an editorial from the Boston Post upon the matter, and ask that the same be incorporated in the RECORD; likewise an article by John Bantry, a correspondent of that paper, reporting the acquisition of a large number of municipal plants and other privately owned corporations in New England by the so-called Power Trust. I ask that the article may be incorporated in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is as follows:

[From the Boston Post, April 11, 1929]

POWER TRUST GETS CONTROL OF HUB PAPERS—INTERNATIONAL PAPER CO. BUYS 50 PER CENT OF STOCK OF BOSTON HERALD AND BOSTON TRAVELER—NEW OWNER SUBSIDIARY OF INTERNATIONAL PAPER & POWER CO., WHICH CONTROLS NEW ENGLAND POWER CO.

Approximately 50 per cent of the stock of the Boston Publishing Co., owners of the Boston Herald and the Boston Traveler, has been sold to the International Paper Co. of New York, a subsidiary of the International Paper & Power Co., which owns the New England Power Co. and other vast power interests in the United States and Canada.

Control of the Herald and Traveler thus passes to the paper and power interests, which will be represented here in Boston by three trustees, Philip Stockton, of the Old Colony Trust Co., Sidney W. Winslow, of the First National Bank, and John R. Macomber, of Harris Forbes & Co., bankers for the International Paper & Power Co.

The International Paper Co. completed the purchase of the newspaper stock last January. But not until yesterday, when the ownership statement in accordance with the Federal law was filed with Postmaster Charles Gow, did the transfer of stock become a matter of public record.

The statement filed by the Herald-Traveler and Sunday Herald showed an addition to the list of stockholders published last October. This was recorded as the Publishers Investment Corporation of Delaware, the beneficial interest whose stock is owned by the International Securities Co., a Massachusetts association affiliated with the International Paper Co. of New York. The names of the trustees are not given in the publishers' return.

HAS AMPLE CONTROL

W. N. Hurlburt, of New York, vice president of the International Paper Co., is quoted as saying that the interest purchased in the Herald-Traveler approximates 50 per cent. There are other stockholders financially allied with the International Paper & Power Co. whose holdings will give the paper and power interests ample control. Fifty per cent of the stock itself is usually more than enough for control of a corporation having quite a few stockholders.

The reason for the purchase of the newspaper stock, given by Vice President Hurlburt, is that the paper company "needed further outlets for its paper and also considered the Herald-Traveler a good investment."

DENIES INTEREST IN POWER

He denied that the International Paper Co. is interested in the power industry in New England. Yet, up to a few months ago the International Paper Co. controlled the New England Power Co., as well as other large power interests. The New England Power Co. is purchasing the Worcester Electric Co. and also owns several other lighting and power companies.

Recently the paper and power interests controlled by the International Paper Co. were combined in a holding company, the International Paper & Power Co. The laws of Massachusetts did not

allow the International Paper Co., which had become a foreign corporation, to hold the stock of the New England Power Co. Therefore the paper and power interests were segregated and then combined with the International Paper & Power Co.

Technically, the International Paper Co. is concerned only with paper interests, but its stock is virtually all owned by the International Paper & Power Co., which in turn owns a great chain of power companies. The interests of all companies are identical.

Thus, to all intents and purposes the control of the Herald and Traveler has passed to the International Paper & Power Co.

PURCHASES OTHER PAPERS

The International Paper Co. has purchased interests in other papers throughout the country and intends to continue the policy. The Herald and Traveler are the only newspapers so far acquired in New England but negotiations are reported in progress for others.

It is claimed by those in authority in the International Paper Co. that the company's only interest is in seeking outlets for its large supply of paper. The purchase of the Herald and Traveler is explained by the statement that immediately upon the purchase of stock by the International Paper Co. the directors of the newspapers signed contracts providing for the purchase of 30,000 tons of International Co. newsprint for the year 1929.

The same policy is being pursued with other newspapers purchased. Contracts are signed which guarantee the use of International newsprint.

It is understood that the International Paper interests have agreed that, for the present at least, there will be no change in the directorate of the Herald nor in the executive positions of either newspaper. The company is already represented on the board of directors.

WHAT THE PURCHASE MEANS

The significance of the purchase of Herald-Traveler stock lies in the fact that the International Paper & Power Co. is one of the greatest factors in the power business in the United States. It virtually controls the power situation in New England.

There have been rumors that the International Paper & Power Co. would in turn be swallowed up by the great Morgan-General Electric combine which controls nearly all the great power interests of northern New York, with which the New England Power Co. is affiliated, the United Gas Improvement Co., the huge Philadelphia combine, together with the Public Service Corporation of New Jersey and Consolidated Gas of New York.

With the addition of the International Paper & Power Co., the Morgan-General Electric interests would control a vast power empire, reaching from Canada, down the Atlantic Seaboard States, to Maryland. Those who are following power developments closely declare that within a short time the consolidation will be effected.

BRANCHES INTO POWER BUSINESS

It was the International Paper Co., with its ownership of many water-power sites in northern New England and Canada, which first saw the wonderful opportunity for power development in this section of the country. Millions have been poured into the establishment of huge hydroelectric plants. These built, the company began, through the New England Power Co., to reach out after retail power and light companies.

The result is that now the International Paper & Power Co. is more of a power proposition than a paper company. The power end of the business is also far more profitable.

WHERE STOCK COMES FROM

The stock in the Herald-Traveler which was purchased by the International Paper Co. came in part from the holdings of Robert Lincoln O'Brien, the former editor of the Herald and the Winslow interests. The Winslow interests formerly held the largest single interest in the Herald-Traveler. The bulk of their holdings has passed to the International Paper Co. Mr. O'Brien, who is no longer connected with the Herald, remains a small stockholder. He received a large sum for the stock which he disposed of.

At one time the New York, New Haven & Hartford had an interest in the Herald alone, but that stock was taken over by Morton F. Plant and later purchased by interests identified with the First National Bank here. Men connected with the First National Bank still own part of the Herald stock.

On December 28 last the prior preference and preferred stock of the Herald-Traveler was retired at a cost of $2,496,000. This left the 20,400 shares of common stock as the only financial obligation of the company outside the bonds of the corporation. The bonds are held chiefly by the Winslow, Choate & Brown interests.

[From the Boston Post, April 11, 1929]

A BOLD MOVE BY THE POWER TRUST

The sale of a controlling interest in the Boston Herald and Boston Traveler to the International Paper Co., a subsidiary of the International Paper & Power Co., which controls the New England Power Co., is a blow to the principle of a free and untrammeled press.

It is also a gravely improper action on the part of a great corporation which is the dominant interest in the electric-power industry of New England.

An independent, fearless press is the chief safeguard of the people's welfare and the people's rights.

At a time when we are engaged in a nation-wide controversy over the wisdom of allowing the great power resources of the Nation to pass into the hands of huge combinations of capital, and when the power companies are charged with spending millions of dollars for propaganda in certain newspapers, colleges, and public schools, the Power Trust of New England takes control of two of our leading newspapers.

We submit that this constitutes a grave menace to the people of Massachusetts.

We are rapidly approaching a situation here when the public must decide just how much latitude shall be allowed to the power companies of the State and how best to protect the people of Massachusetts from the extortions of any power monopoly.

The public utilities commission has twice sounded a warning and called on the legislature for protection.

Newspapers should be free to present to their readers the whole truth about the power situation without fear or favor.

Yet the International Paper & Power Co. seizes the opportunity to purchase control of two large organs of public opinion.

Is it at all likely that these newspapers, owned in great part by the Power Trust, can serve the public interest single mindedly?

The Power Trust is seeking favors from the people of Massachusetts.

It is vitally interested in every bit of legislation concerning the electric power and light and gas industries. Yet it is not content with receiving a square deal from an independent press. It spends several million dollars to acquire control of two of the avenues by which news reaches the public and the voters form their opinions on questions affecting their welfare.

The boldness of this transaction is exceeded only by its capacity for harm both to the citizens of Massachusetts and the honor of the newspaper business.

[From the Boston Post, April 14, 1929]

MILLIONS BY POWER STOCK—COMPANIES SOLD TO TRUST AT FABULOUS PRICES—CLEVER FINANCING KEEPS "PICKINGS" FOR MONOPOLY

By John Bantry

Eight years ago the directors of one of the smaller Massachusetts public utility companies had 2,700 shares of the company's stock in the treasury which they wished to sell. There was little demand for it. Banks would not loan a cent on it, and none of the directors wanted any more of the company's stock.

At last, after hawking it about for weeks, they found a man who made an offer of just $5,000 for the 2,700 shares of stock. The directors accepted the offer with alacrity.

To-day, the 2,700 shares which cost the purchaser but $5,000 are worth more than $640,000.

Nor does this $640,000 include a cent of the large amount in dividends that have been received in the last five years. It does not include the various valuable rights to buy more stock which the owner of the stock has received in that time and added to his profit.

In spite of the dazzling profits made by early investors in General Motors, Radio, Nash Motors, and other kingpins of the stock market, it would be hard to beat that profit. And that was made in a dinky little public utility company in Massachusetts of whom few persons, outside its list of customers, have ever heard.

The average reader will rub his eyes and wonder how that miracle was possible.

The answer is easy.

TEN YEARS AGO

Ten years ago the company was in difficulties. The war played havoc with public utility enterprises because of the sudden rise in costs. Coal, which was the principal factor in production, had climbed to record prices and was difficult to get. This particular company had seized the opportunity during the war to enlarge greatly the capacity of its plant. The result was disaster. The concern was only saved from bankruptcy by heroic work on the part of the directors.

But the future looked so black that none of the men who knew about the status of the company's affairs would pay $2 a share for the treasury stock. It was felt that 10 years might elapse before the company got on its feet, and it was doubtful if, even in that time, the added capacity of the company's plant could be utilized.

The depression of 1921 completed the gloomy prospects of the company. But within an incredibly short time the clouds rolled away, and business in the company's territory began to boom mightily. The population increased by thousands in a couple of years. The company recovered its financial standing with great rapidity. The lucky buyer of the 2,700 shares of stock began to draw dividends.

TO UNDREAMED HEIGHTS

But if the story stopped here there would have been no rise in the value of the stock from $5,000 to $640,000. The purchaser might have made around $100,000, nice enough, but nothing amazing. The big

profits came because a frenzied buying movement in gas and electric company shares set in three years ago and carried all such stocks to heights the stockholders of five years ago never dreamed.

Even to-day, many of the people who have profited enormously from the sale of public utility stocks are in a daze and do not know how it happened. All they know is that they got the money. What more need they know?

A clerk in a Cambridge real-estate office had a little money left to him some years ago. He was advised to buy some Cambridge Electric Light Co. stock at $60 a share. He bought it and when the company issued new stock he took his proportion of stock. Finally, three or four years ago, he had accumulated 200 shares. It seemed like a good investment, but nothing wonderful. Then stock rose to around $175. Dividends were increased and there was a real demand for the stock.

Almost overnight the boom in electric-light stocks came. The Cambridge company split its stock 4 for 1. Then came a battle of outside interests for control of the company. Seven hundred and fifty dollars a share for the old stock (before the split) was offered and accepted with alacrity by the Cambridge stockholders.

This meant $150,000 for the holder of the 200 shares.

WOULD HAVE PAID $1,000

But later it was reported that the $750 offer was a feeler and the financiers who wanted the company would have paid $1,000 a share rather than fail to get it.

The Cambridge Gas Co., with no idea that outside interests would buy them out, issued stock at $55 a share to their customers. In less than a year the company had been sold and the buyers agreed to pay $105 a share for the stock in the hands of the customers.

The person who had held stock in any Massachusetts gas or electric company for 10 years and has not seen the value of his stock trebled at least is hard to find. The Edison Co. of Boston might be considered an exception, since it has only doubled in value. Yet in this case it should be stated that at one time in the past it sold as high as it is selling to-day. So the Edison has hardly boomed to the same extent as most of the companies.

Now, this stock boom is none of the individual gas and electric companies' doings. They never saw it coming nor can most of them understand it to-day. Few of them made any effort to secure a market for their stocks. None of the individual companies, save the Edison of Boston and Massachusetts Gas, were listed on any exchange, and are not to-day. About the last thing the old-time gas and electric people expected was a boom in their stocks. They expected a slow but steady appreciation in the value of their shares.

BANKS WERE LEERY

Nor did the banks appear to think much of gas and electric stocks. They preferred listed stocks for collateral.

What has happened in the past five years to make gas and electric stocks so tremendously valuable? There is nothing of frenzied finance in the individual companies. None are overcapitalized, many are actually undercapitalized. Gas and electric rates have not increased within the five years, they have decreased. The companies have, however, prospered greatly, but they have not prospered to the extent that would warrant the amazing prices certain power companies are willing to pay for their stocks.

Here is the answer as given by one of the men whose business it is to gather in these independent utility companies and turn them over to the large power combines.

"Many of the men who run these small companies," he said, "have no real idea of the possibilities of the electric light and power industry. Twenty years from now they will look back and wonder how they could be so blind. The next 20 years will see an enormous increase in the use of electricity. The average householder will use ten times the amount of current he does now.

"These small companies have been content with what is really small business. To be sure, they have made money. The rates they charge are not unreasonable and they think they are about as prosperous as they can be. When they increase their business 10 per cent in a year they are tickled to death.

"But they are progressing at a snail's pace compared to what they can do. Why, the Edison Co. to-day ought to sell double the amount of current it does.

MILLIONS IN DEVELOPMENTS

"The power companies which wholesale power are spending millions on development which will produce power enough within five years to take care of treble the business their retail customers have now. We must find a market. If these smaller companies are not able to dispose of larger amounts of power, then we are compelled to buy them and show how it can be done.

"Don't think, either, that we want rates increased. To a certain extent, lower retail rates would benefit us. People would use more current. We would sell more. That's the whole story. The reason people can't see the point is that they have not the faintest idea of the extent to which the power business will develop in the next few years.

"It is true that there seems to be a mad rush for control of these retail companies. That is because the power-production business is developing so fast that the big power companies will get caught in a jam if they do not quickly develop greater outlets for their production."

NOT THE WHOLE TRUTH

There is much truth in this statement, but not the whole truth. The power companies desire the retail companies so they can control the product from the point of production to the point of consumption. There are big profits in wholesaling power and big profits in retailing. The power companies want both.

There are also vast opportunities for profit to insiders in manipulating the affairs of the individual gas and electric companies. In the main, the Massachusetts gas and electric companies have been frugally run. Ten thousand dollars has been a big salary for the president of any one of these Massachusetts companies save companies like the Edison of Boston or Massachusetts Gas. The general manager of the average Massachusetts company gets around $5,000 a year. Overhead expenses are small and the working force likewise.

But when a holding company like the Associated Gas & Electric gets control of a Massachusetts company the expense situation changes.

In the first place, the common stock of the company is carefully locked up in the vaults of the holding company. This common stock controls the individual company. Then the holding company proceeds to sell its own bonds and preferred stock to the public. If the holding company has paid $5,000,000 for the individual company it will sell its own bonds and preferred stock to the public to the extent of the $5,000,000.

If this is successful, then they have back in the treasury all the money they paid for the individual company and at the same time they have the entire stock control of the individual company.

BACK OF HOLDING COMPANY

But back of the holding company is an "engineering company," a strictly limited concern, composed of the real insiders. The public is not in on this.

One of the first developments will be the appointment of one of the insiders as president of the individual company at a fancy salary. If it is necessary to have a local man as president, then he will be a mere figurehead and the general manager (one of the insiders) will be the high-salaried man. Then a sales manager will be added to the force, one of the insiders.

When this is done a contract will be made with the "engineering company" for services as "expert managers." Fifty thousand dollars a year might be the fee for this.

It is often necessary for the individual company to borrow money on its notes. But, instead of going to a bank, recourse is had to the "engineering company," which provides the money and collects the profit.

All construction work necessary is done by the "engineering company," which gets the profit. All supplies must be bought through the engineering company. There are other soft pickings for the insiders.

The public utilities commission is generally helpless to prevent this. Two hundred thousand dollars a year may be added to the expenses (all going to the insiders), but the commission can do little because it is, in the main, legitimate.

Meanwhile, the public holds the bonds and preferred stock and gets no pickings.

"But," the reader might say, "Suppose these companies get no increase in rates; how can they pay dividends on the inflated price which they have paid for the company?"

The answer is that they do not pay dividends on the inflated value. They issue bonds for it. The public buys the bonds.

The courts have decided that 8 per cent on the amount of money prudently invested in a public-utility company is a reasonable return. If a company has an investment of $3,000,000 it may pay dividends amounting to $240,000 a year. But the holding company which has bought the individual company may issue $5,000,000 in bonds and the interest at 5 per cent would amount to only $250,000. Also the bonds would not be a direct lien on the property.

PLAYING FOR BIG STAKES

The bondholders would not profit by increased earnings of the industrial company, but those who own the stock would. And this stock is held by the insiders.

Aside from this there is a tremendous stake for which these holding companies are playing. The United States court has (though some legal authorities dispute this) taken the position that utility companies are entitled to earn a reasonable return (and 8 per cent has been held reasonable) on the reproduction value of the company's property. This is in direct contradiction of the Massachusetts rule, which limits the return to a reasonable amount on the money prudently invested in the company.

If ever the Supreme Court of the United States has before it an appeal from a Massachusetts decision and decides that this State must abandon its rule and adopt the theory of reproduction values, then

nearly every Massachusetts company will be allowed largely increased earnings and its value will be greatly enhanced. The bondholders will not profit by this, but the stockholders will profit largely.

It is but fair to note that the New England Power Association, the largest of the holding companies, has disclaimed any intention of contesting the Massachusetts ruling, and has, upon purchasing the stock of the Worcester Electric Co., ordered the discontinuance of the suit in the United States courts which challenged the Massachusetts doctrine.

But whether this action will be followed by other groups of companies, or individual companies, remains to be seen. The possibilities are naturally tempting to the companies.

Some persons wise in sizing up a stock situation might think it would be a shrewd move to refuse to sell their holdings in a gas or an electric company to any combine, but retain them and profit in the same way the holding company does. But there are difficulties in the way. In the first place, the combines usually make a big offer to the stockholders, enough to give them a huge profit.

Few stockholders can resist and it may be financially the worse for them if they do. If the combine owns the majority of stock the minority has nothing to say. Expenses can mount, but a minority stockholder protests in vain. Then, too, the market for his stock is not supported. He won't find it easy to sell.

SOME EXAMPLES

When the Lowell Electric Co. was taken over by the New England Power Association its stock sold around $85. To-day a holder of Lowell Electric can get only between $50 and $55. Brockton Edison sold at $65 to $70 before it was taken over by the Eastern Utilities Association. To-day its stock is selling around $53.

On the other hand, some stockholders in small companies have succeeded in getting a larger price for their holdings just to get them out of the way. The stockholder who sells has his money, the one who holds on is taking a chance. He might win and he might not. It depends on future developments. The chances are against him. But the security for his stock is still good, unless the company is milked too much by the holding company.

Reductions in rates will not hurt the individual companies if thereby they get heavy increases in business.

IF EXPENSES DIDN'T MOUNT

If the Edison Co. customers would use double the amount of current they do now the Edison Co. could cut its rates drastically and make just as much, if not more money, provided it was not obliged to incur extraordinary expenses to meet the increased demand.

The public seems not to have much luck in these rate cases before the public utilities commission. The case for the company is usually exceptionally well presented. That for the city or town is not. Protestants are usually loud shouters who know nothing about the power business. They make all sorts of wild and fantastic statements which the commissioners know are sheer bunkum and to which they naturally pay no attention.

The business of helping cities and towns to fight the utility companies is a well-established one. The various cities and towns are induced to hire certain "experts" and certain lawyers to give battle to the utility company. But the utility company has better experts and better lawyers and the towns get little for their money save hearing the utility company denounced.

When the battle is over the utility company will charge up all its legal and expert expenses to operating expenses and the customers in the town will in the end pay them. The expenses of the experts and the counsel hired by the town officials will also be paid by the town. Thus the customers will pay the expenses of both sides.

Some day some wise selectman of a town which is demanding lower utility rates or fighting higher ones will appear before the public utilities commission and say, "Gentlemen, I know but little about this business. You people do. You are paid to see the public gets a square deal. I am putting this business right up to you and I rely on you to protect our town. See that you do it."

He will accomplish more than all the paid "experts" and lawyers the town could hire. If the public utility commissioners can not or do not protect the public, we should get men who can and will.

But above the public utility commission are the courts, who have the last say. And the commission understands that well. But that is another story.

Meanwhile the question as to whether this public utility boom, which has reached such amazing proportions, is a bubble which may later burst and devastate confiding investors or will turn out a greater gold mine than it now is remains to be answered in the future.

There is no sounder business than that of the gas and electric companies, but even the soundest of business can be wrecked by wild finance.

STATE CONTROL OF NIAGARA POWER

Mr. WAGNER. Mr. President, I send to the desk an open letter addressed to me by the public committee on power of New York State, in relation to the pending treaty between the United States and Great Britain on the subject of the restoration of the scenic beauty of Niagara Falls, which I ask may be referred to the Committee on Commerce and printed in the RECORD.

There being no objection, the letter was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

OPEN LETTER TO SENATOR WAGNER FROM THE PUBLIC COMMITTEE ON POWER—STATE CONTROL OF NIAGARA POWER

(Public committee on power in New York State. A nonpartisan committee of the citizens of New York State to protect the interests of the small consumers in the development of the remaining water-power resources of the State and to secure more effective regulation of light and power rates)

APRIL, 1929.

The Hon. ROBERT F. WAGNER,
United States Senate, Washington, D. C.

MY DEAR SENATOR WAGNER: In view of your public statement to Governor Roosevelt that you would be "unalterably opposed" to a totally new grant of water power at Niagara Falls for private development and your recent reiteration of your well-known stand for "State ownership and control of water power at its source," we ask your consideration and that of your fellow Senators for certain objections both to the principle and the present form of the proposed convention between the United States and Canada.

We believe that you will find these objections especially interesting in view of Governor Roosevelt's recent message to the legislature in regard to New York State's water-power resources on the St. Lawrence, in which he declared as "a basic principle" that "the natural water-power sites * * * now owned by the people of the State or hereafter to be recovered should remain forever inalienable to the people and any dams or plants necessary to generate power shall be built, owned, operated, and occupied by * * * the duly constituted instrumentality of the State."

The convention, which has as its ostensible object the preservation of the falls, is primarily a water-power project. If the preservation of the falls were really the essential object it would have been taken up by the interested water-power company with the State parks commission, which was not done. The company arranged for this convention entirely through those agencies having to do with water diversion.

The essential object of the convention is the diversion of 10,000 cubic feet per second on the American side of the falls for six months of the year, which is equivalent, at the present efficiency of generation, to 210,000 horsepower for that period.

Not only the considerable value of the proposed grant but also the rights and policies of the Federal Government and of the State of New York as well as the interests of the consumers are involved in this matter.

We believe that the convention as drawn at present does not protect either of the two great public interests involved.

I. The interests of the Federal Government are inadequately protected.

The convention designates as sole agency for the Federal Government a certain private corporation, the Niagara Falls Power Co. This is a profit-making corporation which is the creature of the State of New York, existing by virtue of a charter from the State, which the State may cancel.

This particular company is at present in a position between the two governments involved (Federal and State) which is so involved and ambiguous as to make it not only possible but likely that it will continue to evade the effective controls of both governments as it has heretofore done.

(a) This company has sought and accepted Federal licenses, under the Federal water power act, for all the power it now develops. It has, nevertheless, steadily objected to conforming to the clauses of those licenses which make their granting contingent upon a finding of the sums actually invested in the plant and has failed and refused to comply with them. These objections, originally raised in 1922, were made on the ground that such a valuation was outside the jurisdiction of the Federal Water Power Commission. We are informed by this commission that the company has to date not withdrawn them. Here the company has used the State as a buffer against the Federal Government.

The intent of the Federal law and license that no rates shall be charged over a fair return on actual investment or that surplus shall be applied to amortization reserves, thus reducing the cost in the event of recapture proceedings, is apparently to be escaped by the company, in spite of its acceptance pro forma of the Federal license and the provisions therein, for, without a finding on what investment was actually made, it will be impossible for proper amortization reserves to be made.

This delinquency in complying with the provisions of the Federal license and the consequent defiance of the Federal jurisdiction may be considered significant in view of a statement made before a Committee of Congress on Foreign Affairs that $32,000,000 of the present

investment carried on the books of the companies controlling the Niagara Falls Power Co. and of the company itself represent capitalization of its franchises, a procedure allowed neither by the Federal nor the State law.

(b) The proposed new grant of power gives the company exemption from the control and jurisdiction of the Federal Government under the Federal water power act to the extent of approximately 210,000 horsepower for six months of each year for seven years. Any sums expended to develop this power will, however, change the amortization accounts of the company and, if it persists in its defiance of the Federal Power Commission, render more difficult the regulatory procedure of that commission, both in respect to finding of original cost and later of the establishment of depreciation reserves.

We do not see any reason why the Federal Government should designate as its agent in this convention a private corporation, the creature of the State of New York, which has denied the Federal jurisdiction in these several ways at the same time it has used the Federal Government and authority for purposes of evading State control.

If the Federal Government wishes to designate an agent for the diversion of new water, surely the owner of such water, the State of New York, is the proper agent to be designated.

II. The interests of the State of New York are inadequately protected.

1. The relation of this company to the State of New York, like its relation to the Federal Government, is ambiguous and involved, and the company is subject at any moment to litigation to be brought by the State.

(a) It has, under the stress and in the hope of obtaining this additional diversion of water, recently withdrawn its objections to paying to the State a rental on 4,900 cubic second-feet of diversion, about a fourth of its total diversion. It thereby acknowledges some rights of the State in the Niagara water power.

The company has, however, not acknowledged that the provisions of the State conservation law setting up a State licensing system are applicable to it. Here it should be noted that the State and Federal licensing provisions are different, and that the constitutionality of the Federal water power act to the extent it sets up Federal authority over property rights claimed by the State of New York has never been determined.

(b) In spite of payment of this rental to the State this company has endeavored to maintain that it owned, by virtue of its riparian rights and early grants, the bulk of the Niagara power, 15,100 cubic second-feet of diversion, and was under no obligation to pay the State any rental on this power. It obligated itself only to light the Niagara Reservation, a State park. Its counsel has informed the Senate Committee on Foreign Affairs (64th Cong., 2d sess., hearings February 10, 1917, Witness Morris Cohn, jr.) that "We have always taken the position that we were entitled at common law, as riparian owners, to divert waters from the Niagara River."

This diversion, at the rate of 21 horsepower per cubic second-foot, constitutes about 317,100 horsepower, firm, on which the company pays no rental to the State, and in regard to which it has not, and does not in the agreement signed by its officials and Governor Roosevelt, acknowledge any rights of the State to charge rental. It has since 1921 paid administration charges to the Federal Power Commission, amounting in 1928 to $86,891, at the rate of about 25 cents per horsepower.

2. This claim of the Niagara Falls Power Co. is in opposition to claims of the State to ownership of this power frequently expressed and subject to litigation at any moment upon motion of the governor and/or the attorney general of the State.

The joint committee of the New York Legislature appointed to investigate the diversion of waters of Niagara River for power purposes (New York State Senate Documents, 137th sess., 1914, vol. 20) listed the various grants of privileges at Niagara Falls and stated:

"The Niagara Falls Power Co. is permitted to divert 200,000 horsepower under its State grant. The diversion of the Hydraulic Power Co. of Niagara Falls is limited to the capacity of a canal 100 feet wide and 14 feet deep which, it may be remarked, is so indefinite as not to preclude the possibility of this company claiming a right to unlimited diversion.

"It seems to your committee that each of these grants violates Article III, section 18, of the constitution of the State of New York, which provides that the legislature shall not pass a private or local bill 'granting to a private corporation, association, or individual any exclusive privilege, immunity, or franchise whatever.' It also seems to your committee that the grant of privilege is not properly referred to in the title of the granting act in conformity with Article III, section 16, of the constitution of the State of New York in the cases of the Niagara Falls Power Co., the Niagara Power & Development Co., the Hydraulic Power Co. of Niagara Falls, and it is not referred to in the case of the Niagara County Irrigation & Water Supply Co., the Niagara, Lockport & Ontario Power Co., the Lower Niagara River Power & Water Supply Co."

It may be noted that three at least of these charters attacked as unconstitutional are now controlled by or through the Niagara Falls Power Co.

The minority report of this committee, by State Senator George F. Thompson (N. Y. S. Doc. 52, 1914), stated:

"Your committee believe that the State of New York has a natural right to the use of the water in Niagara River for power purposes, subject only to such reasonable limitations as the United States Government, by Congress, may prescribe."

The claim of the State was made to the Foreign Affairs Committee of the House (63d Cong., 2d sess., February 9, 1914) by then Governor Glynn, who said:

"The State of New York is the owner of the bed of the Niagara River to the center of the stream, which is the international boundary, and for that reason owns the use of the water that passes over that portion of the river that belongs to the State."

The claim of the State as opposed to the company now seeking this new grant of water power was also stated by the Hon. Nathan L. Miller, later governor of New York, who appeared as chairman of a committee appointed by then Governor Whitman of New York State before the House committee on June 4, 1918. He stated:

"There is a difference in the rule as to whether the title to the bed of navigable streams is in the State or the riparian owner. That question, as the Supreme Court has decided, depends upon the local law, and it is the local law of the State of New York that the title to the beds of navigable streams is in the State itself, both as a proprietor and as a sovereign."

The claim of the State was further asserted and protected when the companies affiliated with the Niagara Falls Power Co. asked State permission to combine in 1918. The legislature then expressly provided in the law:

"Nothing in this act shall be construed to waive or alienate any right now vested in the State as to waters now being divested by any of such corporations so consolidated or to compensation for said rights." (Ch. 597, 1918.)

Previous to this you, then State senator, introduced into a similar bill (April 16, 1913) a clause protecting the State's claims, which read:

"Nor shall this act or anything authorized to be done thereunder be deemed to grant or ratify or confirm any grant of lands under the waters of said river heretofore made by the commissioners of the land office. * * *"

The official attitude of the State toward the bulk of the power now developed by the company is clear. The company is in an ambiguous relation to the State and should therefore not be given precedence over the State as designated agent for the development of this new grant of power. The State may at any moment institute suit to contest the charters under which the company claims the privilege of developing its present power.

Not only is a suit in order upon motion of the governor to contest the constitutionality of the company's claims to this power, but, according to the practice and ethics of the utilities, a suit on the part of the State is in order to revise the purely nominal rate of return paid to the State under the present contract, regardless of its constitutionality.

When that original grant of 317,100 horsepower was made almost 50 years ago the value of power was much less than it is at present. The State took, by way of rental, the lighting of the Niagara reservation by the company. In recent years this has been estimated to amount to only $6,000. This is the only return to the State for power worth to-day certainly $7,927,500 annually as industrial power alone and much more when devoted to domestic or municipal uses.

In similar circumstances, but when the contract is unfavorable to them, the utilities are not as bashful as the State in demanding readjustment of rates. In the case of the Interborough Rapid Transit Co. for revision of the 5-cent fare contract the utility asks for a revision of the contract arrangement on the ground that values, wages, and costs have changed rapidly. We call to your attention the statement of the appellee utility (additional brief, case 159, Supreme Court, October term, 1928, pp. 2–3):

"These considerations graphically illustrate the wisdom, and point occasion for the application, of the rule that public authorities and utilities are not permitted to make bargains foreclosing public or utility from continuously just, reasonable, and compensatory rates unless authoritative legislative power so to do has been unmistakably conferred. Lacking that, neither may by speculative forecast of the future exclude the public from the lower rates or the more adequate facilities, or the utility from the fair compensation, which changing conditions may justify, or, as here, most urgently require."

According to this utility it is practically the duty of the State to attempt to break its contract with the Niagara Falls Power Co. in respect to the compensation it receives for the original grant of power.

3. The convention in no way recognizes the rights of New York State in the new power diversion. Both your public letter and Governor Roosevelt's reply acknowledged this fact. He said: "The State

of New York was in no way invited to participate in the discussions attending this proposal." We call to your attention that as long as a private company is designated as the Federal agent the new 7-year diversion may be made permanent without consideration of the attitude of the State. Nothing in the agreement signed by the company officials changes this fact.

In so far as the diversion is to be considered as permanent, neither the convention nor the agreement meet the question you raised on the floor of the Senate on February 7, 1929, concerning the continued ignoring of the rights of New York State, nor do they meet the suggestion made in answer to your question by Senator THOMAS J. WALSH, who said:

"I should think * * * that the law (convention) ought to provide that the consent of the State of New York to the construction of works and the appropriation of water for the purpose should be secured before it could go on."

4. At the same time that the company has refused to comply with the Federal license provisions to report its actual investment it has also refused to comply with orders of the New York State Public Service Commission to classify its capital. According to the latest published reports of the New York State commission (1926) it still carries on its books as "fixed capital not classified by prescribed accounts" the sum of $31,568,260. Its attitude toward the State commission is in this respect exactly as evasive and unsatisfactory as its attitude toward the Federal commission.

5. This private company is further an undesirable and unsatisfactory designee as agent of the Federal Government in this convention in view of the fact that it has apparently broken an agreement signed with a former governor of the State and may at any moment be subject to suit by the proper agency of the State.

In 1918, during the war, a combination of various companies operating at Niagara Falls was effected on the ground that a combined company could establish more efficient generation of power for war use. At the same time, in May, 1918, an agreement was signed by the officials of the company and the governor of the State (Charles S. Whitman) containing a clause to the effect "that the new corporation to be effected thereunder, its successors or assigns, would at no time in the future make the claim before the public service commission or other rate-making authority that the capitalization authorized thereby is or shall be considered as in any respect controlling in regard to rates."

In 1925, however, the Buffalo, Niagara & Eastern, then a holding company, purchased the stocks of the Niagara Falls Power Co., a company affiliated in interest, at the rate of $50 for each $26.17 of book value carried by the Niagara Falls Power Co. The capitalization covered in the 1918 agreement then became the company's allowed capitalization. In 1928 this holding company reconstituted itself and became an operating company, and now files rates with the public service commission. These rates are apparently on the basis of its inflated capitalization, and as such are in violation of the agreement signed by it to the effect that the war-time merger should not be counter to the public interest.

6. The conflicting claims of State and company as to the ownership of the bed of the river are not settled by the agreement signed by the company officials on February 8, 1928.

The agreement contains only four stipulations of major importance. They are: (1) The company agrees to withdraw all objections to the payment of rental fixed on April, 1925, for the use of 4,400 cubic feet-second diversion. (2) The company agrees to pay a rental on 500 cubic feet-second transferred from Lockport to the Niagara River. (3) The company agrees to pay rental on the new diversion of 10,000 cubic feet-second provided for in the convention. (4) "Nothing herein contained shall be construed as a concession on the part of the State of New York of the power of authority of the Federal Government or any of its officers or agents to control in or in any way govern the diversion of water within the State of New York for power purposes."

In view of the claims of the State regarding the original 15,100 cubic feet-second diversion, this agreement obviously does not secure "a complete recognition of the right and sovereignty of the State of New York to license and rent all water now being used by the company," as has been claimed. The ownership of the bed of the river in as far as the 15,100 cubic feet-second are concerned, is not conceded by the company.

In view of the previous contentions between the State and the company we do not believe that any court would hold that in this agreement the company had surrendered any claims to this power, but would, on the contrary, hold that the omission of an agreement on it at a time when other power rights were the subject of agreement constitutes a possible waiver on the part of the State of all claims to that power.

In view of the fact that the convention states that: "(8) After construction of the works herein specified, they shall be considered as parts of the bed of the Niagara River and subject to the same ownership and control as those parts of the river in which they have been constructed," it is essential that the ownership of the bed be determined once and for all, and that in the meantime no rights or privileges tending to confirm the company's claim to ownership of the bed be granted, and that no company contesting the rights of the State be designated as a Federal agent in this matter.

7. The smallness of the advantages which will accrue to the State may be seen in two ways.

(a) The increased value which the stockholders have attributed to themselves during the period this convention was being negotiated, from the spring of 1928 to February 19, 1929, after the agreement had been signed and ratification by the Senate was expected to follow immediately is one instance. The common stocks of the new operating company, the Buffalo, Niagara & Eastern, of which the Niagara Falls Power Co. is a part, increased from their highest point in 1927 to February 19, 1929, by $82,376,050. Of this sum $24,143,300 was added between December 31, 1928, and February 19, 1929.

	Shares	1927, high	Dec. 31, 1928	Feb. 19, 1929
Common	1,958,200	40	65	74
Class A	501,500	31½	50	63

Part of this increase may be accounted for by the success of the company in evading its previous agreement in the manner described before. However, a certain part of this very large increase in values may reasonably be attributed to the expectations of advantage to be derived by the company from this new grant of water power and to its further avoidance of litigation on the part of the State to establish its claims to the 15,100 cubic feet-second grants.

The failure of the Senate to ratify the convention immediately has been followed by a drop in the stocks to 67 and 50 as of April 3, 1929. This still leaves the increase in value during the period of arranging this convention, the sum of $62,149,150.

(b) The rentals to the State are expected to be very small.

The present rental paid by the company for 4,400 cubic feet-second, which generate approximately 92,400 horsepower, is only $60,000, or 65 cents per horsepower. The agreement provides that the new rentals shall be on "an equitable basis." By that we understand that rentals on this new diversion will be similar to those now paid, ranging between $37,750 and $68,250, depending on whether the old plant is used or modern equipment is installed. This is the only return to the State on power which is worth, at the rate of $25 per horsepower, the sum of $2,625,000 annually.

That such low rentals are not only possible but probable may be seen from the terms of the agreement which give to the company every recourse to the courts to determine the equitability of the rentals, and also from the reports of the New York water power commission which show (1926) that a company claiming rights and privileges similar to those claimed by the Niagara Falls Power Co., to wit, the Lower Niagara River Power & Water Supply Co., an allied and connected company, objected to a proposed State license which, it is understood, carried a rental of $2.50 per horsepower. The water power commission reported: "They claim that the company is entitled to special consideration because of its early legislative grant and also because practically all of the land for the entire project is owned by the company. Only a few feet of land in the bed of the river required for the inlet and outlet works is State owned." The Niagara Falls Power Co. remains in a position to make exactly the same claims.

It appears that the low rentals of the past have been compromises on the part of the State board, due to the claims of the company to special privileges, and that these claims still exist and are pressed, and that the agreement does not change this feature of them. The attitude of this affiliated company, under similar circumstances, seems clear indication of the attitude which may be expected from the Niagara Falls Power Co. when the time comes for the fixing of equitable rentals.

Such a small return for so great an amount of power is obviously a bad bargain for the State. You may remember that the attempt of one of the power companies in New York State to increase by millions the value of its property on the Salmon River in the Adirondacks and pay to the State the small rental of $18,500 was vetoed by former Governor Smith.

8. In this connection we call to your attention that this new water diversion is not, so far as rates go, subject to contract control in the same way which Governor Roosevelt has so ably advocated for the St. Lawrence power.

The failure to establish such control for this great and new grant of power involves the whole rate situation in New York State. At present most of the Niagara power goes to large industrial consumers at a very low rental. Most of these consumers stand in close tenant-landlord relation with the Niagara Falls Power Co. Testimony given by counsel for the company (hearings, House Committee on Foreign Affairs, May 29 and June 6, 1917, Witness Morris Cohn, jr.), indicated that at a time when horsepower was costing other concerns $80 and over, the Niagara power was going to the Aluminum Co. (70,000 horsepower) at rates of $8, $9, and $13, and that 20,000 horsepower were going to the Union Carbide Co. at $15. Relatively low rates to these

large industrial consumers still continue, and are, perhaps, a necessary subsidy to keep them in the State.

It does not, however, follow that it is wise policy to grant them the new power on similar terms instead of devoting it to municipal uses or rate reductions throughout the State.

The latest published report of the company to the public service commission (1926) shows that 69 per cent (1,589,000,000 kilowatt-hours) of its generated power went to large industrial consumers at 3 mills per kilowatt-hour, and that 30 per cent (706,567,000 kilowatt-hours) went to other electrical corporations at 7.4 mills per kilowatt-hour. One of these recipients was the Buffalo General Electric, then affiliated and now part of the same company. It purchased 778,663,000 kilowatt-hours from the Niagara Falls Power Co. and other sources and sold 425,305,000 kilowatt-hours to industrial users for an average revenue of 7.7 mills. It may be concluded that 88.4 per cent of the Niagara power reached large industrial consumers at rates averaging 3 mills and 7.7 mills.

That it might well be to the advantage of the other municipalities of the State to secure some of the new diversion can be seen from the fact that in that same year the New York City power companies interchanged power for 10.6 mills, and that the city of New York paid 4.3 cents for light and power for its public buildings in 1928. Other New York State cities east of Niagara Falls could also use such new power at a great saving to themselves. The New York State Water Power Commission has pointed out, quoting the superpower survey, of which then Secretary Hoover was chairman, that power purchased at Niagara at $20 per horsepower can be placed at Utica and Schenectady at 4.6 miles per kilowatt-hour and in the vicinity of New York City for 5.7 mills per kilowatt-hour.

Certainly, it is a matter of public importance whether 210,000 horsepower, available six months of every year, are used for the benefit of the State as a whole or for the continued advantage of a few favored companies. Certainly, if the principle of contract control of rates holds good for the St. Lawrence power, it holds good with this grant at Niagara Falls. Certainly, it is to the financial advantage of municipalities from New York City west to insist upon participation in this cheap power.

If this power is not protected in this way, we may expect to see a repetition of the costly and prolonged litigation represented by the 10-year-old telephone case, the Interborough case, the 5-year-old Edison case, whenever any attempt is made to secure some advantage from this cheap power for the consumers. The time to protect the consumers is now, while there is still opportunity.

9. This new water diversion is, to all practical intent and purpose, a permanent grant of power, and the State's rights are therefore not protected by those clauses in the treaty which refer to a 7-year experimental period.

(a) The report of the Special International Niagara Board, made part of the convention, contains the language: * * * "it is understood that diversions for observation purposes * * * may be continued only so long, not exceeding seven years from date of beginning field construction, as may be necessary to enable negotiations to be undertaken and concluded for the modification of the present international treaty so as to permit permanent additional diversions of such amount as may then be agreed upon." (Executive U., 70th Cong., 2d sess., p. 5.)

This is a frank and clear statement of the purpose of making a permanent diversion.

(b) There is not a word in the agreement signed by the company officials to limit the diversion to a 7-year period. This leaves wide open the possibility that such diversion will be made permanent, especially as the agreement states that the additional water shall be used by the power company "pursuant to the proposed convention, protocol, and report of the Special International Niagara Board * * *." This is the report described in the preceding paragraph which purposes permanent diversion.

(c) It is a matter of common knowledge and information that the Niagara Falls Power Co. has acquired land and filed plans for a canal to divert this additional water, to cost in the neighborhood of $15,000,000. We trust that you will agree that such plans can be laid only on the supposition of a permanent grant to the company of this power. There is nothing in the agreement limiting the use of this water to the old plant of the company.

(d) The possibility of the State ever having, under this convention and agreement, an opportunity to recapture this additional grant of 210,000 half-time horsepower is weakened by certain permissive classes in the agreement. The power may be used either under the licensing provisions of the conservation law or under section 614, subdivision 13, which latter section does not bind the company to a licensing arrangement nor to any recapture provision nor to amortization of the cost of the works over the 7-year period nor to periodic readjustments of the rental nor to revocation of the agreement for failure to prosecute the work of constructing the weirs. The insertion of permissive operation under subdivision 13, section 614 of the conservation law, offers a vitally different form of arrangement than that provided in the licensing provisions of the law, and its insertion apparently modifies the character of the licensing provisions, and we believe that any court would so hold.

(e) The fact that the consent of New York State to a convention making this a permanent diversion is not necessary and that such an arrangement may be made even over the objections of the State has already been mentioned.

(f) Even in the event that a license should be issued to this company, there is still the possibility that the company could, if it wished, and if delay were desirable to it in the event that a governor held office who wished to recapture the power, prolong the use of the water beyond the 7-year period. Litigation could be brought by the company concerning the amount to be paid to it for the construction of the weirs; for the present State law, in contrast to the Federal water power law, allows hypothetical reconstruction costs in termination proceedings, and it also allows severance damages which may be as high as 15 per cent. Both of these matters may take years in the courts before final decision is handed down. It is also possible for the 7-year period to be lengthened in case the water power and control board should neglect to prorate the amortization over the seven years or be persuaded by the company to arrange the amortization reserves so that they do not cover the full cost of constructing the weirs within the 7-year period.

For these six reasons we believe that this is a permanent diversion rather than a temporary one, and that the State's policy should be changed accordingly.

10. To such a permanent diversion you have already expressed your objection. It also goes contrary to the verdict expressed at the polls against further donations of the State's water-power resources to private companies. Regardless of all other objections to the convention and agreement, the fact remains that the only way in which the State's rights even stand a chance of being protected at the end of the 7-year period is by protest of whoever may happen to be governor at that time. Certainly the officials who now allow a private company rather than the State of New York to be designated as the agent of the Federal Government for the use of this water power must accept a considerable responsibility if the rights of the State are ignored later.

In view of these considerations and objections to the principle and present form of the proposed Niagara convention, we ask you to secure the designation of the State of New York as Federal agency for the execution of the convention in place of the Niagara Falls Power Co., exactly as the Canadian Government has designated a State agency to act for it.

The company has evaded its obligations to the Federal Government and does not merit either the trust or honor of being singled out in place of New York State as an agent of the Federal Government in this new water diversion. It stands in a similarly unsatisfactory relationship to the State of New York, denying any rights of the State to jurisdiction over three-quarters of its immense water power, and being subject to litigation by the State on the constitutionality of three of the grants under which it is operating as well as on the rate of return received by the State from one of them. The rights of the State in the new diversion are ignored in the convention. The company has also refused to comply with the regulations of the public service commission and has apparently broken a previous agreement signed by the Governor of the State and the same company officials. The ownership of the bed of the river is not determined and consequently the ownership of the remedial works to be constructed in it may rest, contrary to current belief, with the company, which is against the public interest. The value of this grant to the company is indicated by the rise in its stocks during the period of arranging the convention of $62,000,000; the insignificance of its financial value to the State may be seen by present rentals, granted under circumstances similar to this, which indicate a return to the State of between $37,750 and $68,250 for power which will sell for at least $2,625,000.

The retail rates are not subject to contract control but to the same character of litigation which has dragged on for expensive years in the Telephone and New York Edison cases. The arrangement is therefore a step backward from the stand taken by Governor Roosevelt for the development of the St. Lawrence power. The result may be that most of the power will go, as at present, to certain favored industries standing in close relationship to the power company, and that the municipalities will get no benefit from this cheap power, although many of them are now paying very high rates. In five ways this power grant may be prolonged beyond seven years regardless of the desires of the State. Such permanent grant is contrary to the expressed wishes of the people of the State.

The rights of the State to much of the Niagara power have been ignored for many years. They are weakened rather than strengthened, as far as the bulk of the power and the new diversion are concerned, by the proposed arrangement. If the State's rights and the consumers' interests are to be established and protected, action looking toward that

end should be begun at once. In the meantime the hands of the State should not be tied by the designation of the private company which is in conflict with the State on so many points.

Very sincerely yours,

ARTHUR GARFIELD HAYS,
For the Committee.

Of counsel:

MORRIS L. ERNST.
ALBERT HIRST.

(Advisory council: E. Louise Beckwith, Sara Bernheim, Katherine Devereux Blake, Bruce Bliven, Elizabeth B. Collier, Herbert Croly, Maurice P. Davidson, Morris L. Ernst, William W. Farley, Walter Frank, Howard S. Gans, Arthur Garfield Hays, Frederick H. Holtz, J. A. H. Hopkins, Benjamin A. Howes, Mrs. Edward N. Huyck, Dorothy Kenyon, Freda Kirchwey, William S. Lodge, James Malcolm, Ruth Morgan, Robert Moses, Mrs. Henry Moskowitz, Frank C. Perkins, Horatio M. Pollock, Evelyn Preston, Harold S. Robbins, Helen Sahler, Isobel Walker Soule, George Soule, Kathryn Starbuck, Florence W. Stephens, Oswald Garrison Villard, Mrs. Marjorie Waite, Elsie G. Whitney, Ella Woodyard; H. S. Raushenbush, acting secretary.)

GREAT LAKES TO THE SEA WATERWAY

Mr. WALSH of Massachusetts. Mr. President, I ask that an able and historic article entitled "Great Lakes to the Sea," by Hon. Joseph A. Conry, of Boston, a former Member of the House of Representatives and an industrious student of public questions whose observations are always worthy of sympathetic consideration, be printed in the CONGRESSIONAL RECORD.

The article deals with the so-called St. Lawrence shipway problem.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Boston Evening Transcript, Friday, March 29, 1929]

GREAT LAKES TO THE SEA—SOME OBSERVATIONS ON THE BACKGROUND AND USEFULNESS OF THE PROPOSED ST. LAWRENCE WATERWAY

By Joseph A. Conry, ex-Congressman and former director of the Port of Boston

Forty million Americans occupying 22 midwestern States are demanding of the Federal Government that the St. Lawrence River be made navigable for ocean liners from Duluth to the open sea. They have excelled in agitation, reveled in argument, accomplished much, and now await final action. President Hoover desires to act and secure definite results. But it is not a simple matter.

The St. Lawrence River is a stately stream of Canadian water about 2,400 miles in length from its upper waters in Lake Nipigon, north of Lake Superior, to the open ocean through Belle Isle Inlet. This Canadian water is subject to a perpetual servitude in favor of the United States by treaty with Great Britain approved in 1871, which says, "The River St. Lawrence shall forever remain free and open for the purposes of commerce to the citizens of the United States."

This right was not always enjoyed by Americans, nor allowed by Canadians. At the close of the War of 1812 the British Government contended that the right of the United States to navigate the St. Lawrence was a privilege or concession, which at any time upon notice might be abrogated by Great Britain. John Quincy Adams, Secretary of State in 1823, during discussion with the British minister persisted that the right of the United States to navigate the St. Lawrence could be established upon the "general principles of the law of nature."

Great Britain in reply "hoped" that the question of right would not be insisted upon, such claim being "novel and extraordinary," and the right of navigation was a "concession for which the United States must offer a full equivalent." Henry Clay, Secretary of State under President Adams, continued to emphasize the views of his chief, but without avail.

The matter was permitted to sag for about 25 years until, in 1850, Canada announced its determination not to allow American vessels the privilege of passing through the St. Lawrence to the ocean during the pendency of the Canadian reciprocity bill then before Congress.

By the reciprocity treaty of 1854 the right of navigation was given to American citizens, but it is worthy of mention that the treaty stipulated the right was merely a concession, using England's favorite words, "The British Government retains the right of suspending this privilege on giving notice to the United States," and Mr. Marcy, Secretary of State, meekly submitted without a murmur of protest. This treaty was terminated March 17, 1866, by resolution of Congress.

RUSSIA IN THE BLACK SEA

President Grant complained to Congress in 1870 that Canada manifested an unfriendly disposition in its claim of right to exclude American vessels from the river and referred approvingly to the arguments of John Quincy Adams half a century earlier. Feelings between the two countries were not overcordial about that time (1870). The Alabama claims engaged public discussion and not always in tender tones. The Franco-Prussian war had upset Europe and in November, 1870, Russia gave notice to England that it would no longer be bound by the treaty of 1856 which limited Russia's military power on the Black Sea. Frightful excitement followed in London. Consols instantly dropped. War was imminent. The Alabama claims, dawdling for years, suddenly became a flame of fire. The British Government literally jumped. One member well described the situation, "we can not live with a hostile Russia on one side of us and a hostile America on the other." Gladstone said he was conscious "of the extent to which English power in Europe was reduced by this smothered quarrel with the United States."

A British commission was appointed to proceed to Washington and so quickly did it move that it arrived without its credentials, which were to follow with heavy luggage on a later boat. President Grant had a commission ready to meet and act. E. Rockwood Hoar, of Massachusetts, Grant's Attorney General, was there to keep alive the spirit of John Quincy Adams. Where Marcy was impotent in 1854, Hoar was mighty in 1871. He incorporated the Adams doctrine of 1923 in Paragraph XXVI of the treaty, which reads: "The navigation of the St. Lawrence shall forever remain free and open for the purposes of commerce to the citizens of the United States."

The rights of Russia on the Black Sea were the immediate cause of the United States gaining perpetual rights on the St. Lawrence. Having this right in the river, the grain growers of the West began an agitation for an ocean highway connecting all lake ports with Europe. The agitation continued to grow, culminating in the organization of a group of States which maintains an organization in Washington known as the Great Lakes-St. Lawrence Tidewater Association. Statistics have been assembled showing the great commerce expected to move over this route and while these figures have been questioned by some opponents they have not been successfully disputed. Mr. Hoover has been the conspicuous champion of the idea and with his thoroughness in business organization he has perfected the case for the Western States. Appointed in 1924 by President Coolidge as chairman of the St. Lawrence Commission to cooperate with the National Advisory Committee of Canada, he made a report in 1926 with four distinct recommendations: First, the construction of the shipway is imperative both for the relief and future development of a vast area in the interior; second, this shipway should be over the St. Lawrence route provided suitable arrangements can be made with Canada; third, that the power resources of the St. Lawrence should be developed; fourth, that negotiations should be entered into with Canada to reach an agreement if possible, in which negotiations the rights of the State of New York in the power development should be recognized.

POLITICS AND POWER

This fourth finding is of extreme importance as power and politics have for years been closely interwoven in New York. Much of the opposition to the St. Lawrence route came from New York, beginning at Buffalo and running along the shores of the barge canal. This opposition has advocated the so-called all-American canal.

The State Department, under date of April 13, 1927, took the matter up with the Canadian minister, saying the United States Government having accepted the recommendations of the Hoover commission, was ready to enter into negotiations with Canada with a view to formulating a convention for the development of the waterway. Canada displayed no undue haste in the matter, its people having a variety of views on the subject. On January 31, 1928, its accomplished minister, Vincent Massey, made a scholarly reply to Mr. Kellogg's note, presenting the Canadian thought. While the reply was not hostile, it was not at all enthusiastic.

A large body of Canadian sentiment is actively opposed to the scheme. Loss of sovereignty over the river in Canada is foreseen, and the burden of expense necessary for its share, in addition to other great internal improvements to which the Dominion is committed, are advanced as a reason why Canada should consider carefully before acting. Mr. Massey in his message delicately drew attention to the fact that Canadian agriculture had been affected by the restrictions imposed by the United States upon Canadian farm products, and that these very restrictions were imposed with a view to assisting agriculture in those Western States which were to share so largely in the benefits of the proposed shipway.

NEW ENGLAND'S ATTITUDE

Turning to the local side of the case, it was found that some hostility to the plan appeared in New England. Some fear was expressed that the port of Boston might be damaged rather than advanced and that our railroads would lose rather than gain business. In 1923 a voluntary committee of 30 men, 5 from each of the New England States, was organized under the name of the Joint New England Committee on the St. Lawrence Waterway "to make a comprehensive study and arrive at an unbiased opinion" with respect to the project. This committee substantially agreed with all the views expressed by other advocates of the idea, although they failed to show definitely any advantages that would flow to New England as a result of the work. "It will open to New England industries a new and cheap transportation artery both for its incoming products as well as for shipments of its manufactured goods." Again it said: "At the present time New England is entirely dependent upon the railroads for reaching the interior portion

of the country. The St. Lawrence waterway will afford an additional and cheaper route, both for transporting the raw products which enter into its manufactures and for carrying the output of its industries to their markets." Beyond the assertion no evidence was offered.

Mr. Whiting, secretary of commerce, came to Boston last February, delivered an address before the chamber of commerce, and by a peculiar coincidence used exactly the same language. When pressed for evidence of a specific nature to show how the industries would be benefited Mr. Whiting replied that the specific information was not available. When Mr. Hoover spoke in Boston last autumn he employed a simile which will serve as the keynote of his attitude on suggested action. Speaking at the Arena, he said: "The birth of modern science was the realization by the scientists that every theory and every hypothesis must be placed upon the scales where the weights were in quantities and not in arguments."

President Hoover is not going to be satisfied by a simple say so. He will remind his witness of the admonition of St. Paul: "Prove all things. Hold fast to that which is good."

EARLY MASSACHUSETTS CANALS

The joint New England committee might have quoted from a valuable report made to the Massachusetts Legislature on the subject of canals more than a century ago. A commission was appointed by Gov. Levi Lincoln under authority of a resolution adopted February 25, 1825, "to ascertain the practicability of making a canal from Boston Harbor to Connecticut River and of extending the same to some point on the Hudson River in the State of New York in the vicinity of the junction of the Erie Canal with that river." The commission was made up of Gen. Henry A. Dearborn, Elihu Hoyt, and Nathan Willis. It made an impressive report, pointing out the possibility "that a canal can be easily constructed from near Barnet in Vermont on the right bank of the Connecticut via a water communication opened into the St. Lawrence at Lake Peter, an expansion of water nearly midway between Quebec and Montreal."

This commission recommended a canal from Boston to the Connecticut on the ground that public convenience so required and that the traffic on that canal would yield a revenue greater than the amount of interest on the sum expended in its construction; "the reasons which have been assigned in favor of that line are equally conclusive for its extension to the Hudson; while numerous others rush upon the mind with such imposing majesty and dominating preponderance as to produce the cheering conviction that the present generation will not have passed away without having witnessed the accomplishment of that momentous State and National project." The commission pointed out the glory of inland navigation from Boston to New Orleans, a distance of more than 2,600 miles, securing a safe, certain, and expeditious route by water over the Ohio and Mississippi, the Great Lakes and their tributary waters." It was only 150 years before that the celebrated Jesuit explorers, Marquette, Joliet, Hennepin, and La Salle had traversed these same waterways, the very routes President Hoover is now anxious to improve to relieve American agriculture. In 1825 Massachusetts was feverish on canals. It was estimated that the canal across the State could be built for $3,000,000.

Eloquent exhortation in robust language was employed, but the legislature remained cold. The advent of the railroads quenched enthusiasm for the canal. An interesting report and map is all that is left of the magnificent idea.

LACK OF PRESENT-DAY SHIPPING

The joint New England committee made no mention of the absence of shipping via the St. Lawrence to Boston at the present time. The river is open from Montreal to Boston for ocean liners, yet reports from the customhouse show a dreary absence of commerce. One boat came in ballast from Montreal, a few excursion steamers tried the trip, and a few tramps from Cape Gaspe constitute all the business in recent years from the St. Lawrence to Boston.

Senator WALSH of Montana, one of the ablest lawyers in America, and a warm advocate of the shipway, discussing the matter in the Senate, said, "Canada having the free right to the use of the river for navigation on both sides, and the United States having exactly the same right, neither, it seems to me, would be entitled without the consent of the other, to put any obstructions in the river which might interfere with navigation." Senator COPELAND replied: "Assuming that the canal as such is not built, it will be unfortunate, indeed, if the State of New York is prevented from developing the water power along the St. Lawrence River."

Governor Roosevelt sent a strong message with bill to the legislature urging the creation of "trustees of water-power reserves on the St. Lawrence River." As indicating that he recognized the value of the opinion of Senator WALSH as to the limitation on the power of the State to act alone, the governor's bill provided that the "trustees would confer with the various Federal authorities, with the international joint commission, and through proper constitutional channels with the Government of Canada and its Provinces for the purpose of advising the legislature what definite steps should be taken by treaty, Federal legislation, or otherwise, to secure complete cooperation."

The legislature having but a short time to live, and sharp political differences existing, it is unlikely that any legislation will be enacted at this session. Therefore, the matter stands precisely where it did at the exchange of notes between Kellogg and Massey.

Whether the matter is exigent or urgent, or merely something desirable, it is now entered in the realms of diplomacy, there to take its tedious course.

In his speech at West Branch, Iowa, August 21, Mr. Hoover said in speaking on this subject: "Our engineers have recommended the St. Lawrence route as being the preferable outlet. The administration has undertaken negotiations with Canada on the subject. If these negotiations fail we must consider alternative routes." No satisfactory explanation has ever been offered as to that cryptic phrase, "if negotiations fail, etc." One rumor was that negotiations had already failed. Senator BORAH denies this and is "of opinion that negotiations will ultimately succeed." Perhaps this temporary irresolution may have been due to a second reading of the letters between Kellogg and Massey. In a 7-page letter Mr. Massey reviewed the matter, saying: "In view of these facts and of the very heavy financial burdens imposed by the war * * * it is considered that it would not be sound policy to assume heavy obligations for the St. Lawrence project." In his note of March 12, 1928, Mr. Kellogg passed over the above paragraph in the Massey letter and asked for a commission, saying: "I have the honor to suggest, therefore, that the two countries proceed with the appointment of commissioners to discuss jointly the problems presented in your note, and those which I have presented herein with a view to the formulation of a convention appropriate to this subject."

This invitation has never been accepted.

INDEPENDENT CANADA

Canada is an independent state, virtually and absolutely so far as this matter is concerned. In view of American eagerness for this shipway, as evinced by the campaigns carried on in its favor, Canada will calmly await events. Mr. Hoover would no doubt regard this St. Lawrence shipway as the first grand achievement of his administration. He made a good-will tour of South America with gratifying results. He knows that the good will of Canada is something of the greatest importance to the United States. The obvious needs no enlargement.

A diligent study of the history of the case fails to disclose any obligation on the part of Canada to enter into any treaty at this moment. The "law of nature" to which John Quincy Adams referred 100 years ago includes the "freedom of the air." Canada can't see the United States Radio Commission parceling out the use of the air over America.

The entire relations of the two countries must be considered in such a treaty. Duties levied by the United States imposing a burden on Canadian farmers are not popular. The suggestion that these duties will be increased at the coming session of Congress can not be regarded as indicating warmth for a cultivation of "good will."

Canada is building a railroad to open the wheat fields of Manitoba with Port Churchill on the Hudson Bay. It will bring Winnipeg nearer to Liverpool than Buffalo is to-day. Montreal is opposed, as is the major part of the Province of Quebec, to the American idea of a shipway by which Montreal becomes a mere port of call.

While there is a strong feeling in Canada in favor of the plan, yet there is no evidence of a desire for energetic action to force the Government to take the matter up. Canada is our best customer. Likewise we buy freely from Canada. New England is particularly anxious to advance good will with Canada. The case sweeps across the continent in interest from Montana to Massachusetts. The West wants its improved facilities for transporting its farm products. New York wants its power. New England wants its food without a heavy tariff. All of these interests must be considered in any treaty with Canada. The mill worker of Massachusetts is not more complacently disposed to an increase of tariff which is going to advance the already high cost of living, than is the producer across the border, who foresees the loss of a market with every addition to the tariff schedule. If the western farm bloc insists upon a higher tariff, it threatens the success of their shipway. The situation calls for a statesman's vision.

ONE SUGGESTION

The United States can well afford to bear the entire expense of this great improvement, if thereby it may establish a long-term easement upon the affections of our northern neighbors. But there is much more involved than the mere matter of expense. Canada perceives the great growth and prosperity of the United States and naturally desires to freely share these conditions. Some of our departmental rulings are apt to remind the Dominion it is a foreign state. Better judgment affirms that Canada is entitled to all the rights and privileges of an economic nature enjoyed by the States of the Union. This condition established, good will must flourish.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred, as follows:

By Mr. McNARY:

A bill (S. 1) to establish a Federal farm board to aid in the orderly marketing, and in the control and disposition of the surplus, of agricultural commodities in interstate and foreign commerce; to the Committee on Agriculture and Forestry.

By Mr. JONES:

A bill (S. 2) to provide for the fifteenth and subsequent decennial censuses; to the Committee on Commerce.

By Mr. REED:

A bill (S. 4) to regulate promotion in the Army, and for other purposes; to the Committee on Military Affairs.

By Mr. OVERMAN:

A bill (S. 5) making an appropriation for defraying the expenses of the United States Marine Band in attending the Confederate Veterans' Reunion to be held at Charlotte, N. C.; to the Committee on Appropriations.

By Mr. COUZENS:

A bill (S. 6) to provide for the regulation of the transmission of intelligence by wire or wireless; to the Committee on Interstate Commerce.

By Mr. BURTON:

A bill (S. 7) granting an increase of pension to Martha J. W. Davidson; to the Committee on Pensions.

A bill (S. 8) for the relief of Lieut. David O. Bowman, Medical Corps, United States Navy; to the Committee on Naval Affairs.

A bill (S. 9) to provide for the construction of a vessel for the Coast Guard; to the Committee on Commerce.

A bill (S. 10) to extend the benefits of the employees' compensation act of September 7, 1916, to Leon H. Hawley;

A bill (S. 11) for the relief of the Van Dorn Iron Works Co.;

A bill (S. 12) to reimburse the estate of Mary Agnes Roden; and

A bill (S. 13) for the relief of the Upson-Walton Co.; to the Committee on Claims.

By Mr. HEFLIN:

A bill (S. 14) to amend sections 183 and 184 of chapter 6 of title 44, of the United States Code, approved June 30, 1926, relative to the printing and distribution of the CONGRESSIONAL RECORD; to the Committee on Printing.

By Mr. DALE:

A bill (S. 15) to amend the act entitled "An act to amend the act entitled 'An act for the retirement of employees in the classified civil service, and for other purposes,' approved May 22, 1920, and acts in amendment thereof," approved July 3, 1926, as amended; to the Committee on Civil Service.

By Mr. WATSON:

A bill (S. 16) for the relief of Henry D. Long; to the Committee on Claims.

By Mr. REED:

A bill (S. 17) to amend section 12 of the act entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved June 10, 1922, as amended;

A bill (S. 18) to amend the act approved June 1, 1926 (44 Stat. L., 680), authorizing the Secretary of War to exchange deteriorated and unserviceable ammunition and components, and for other purposes;

A bill (S. 19) to authorize the Secretary of War to loan aeronautical equipment and material for purposes of research and experimentation;

A bill (S. 20) authorizing good-conduct medal award to enlisted men of the Army;

A bill (S. 21) to approve the action of the War Department in rendering relief to sufferers of the Mississippi River flood in 1927;

A bill (S. 22) to amend section 1223 of the Revised Statutes of the United States;

A bill (S. 23) to regulate the procurement of motor transportation in the Army;

A bill (S. 24) to amend that provision of the act approved March 3, 1879 (20 Stat. L., 412), relating to issue of arms and ammunition for the protection of public money and property;

A bill (S. 25) to amend section 47c, national defense act, as amended, relating to military training required to entitle members of the Reserve Officers' Training Corps to receive commutation of subsistence; and

A bill (S. 26) to prohibit the making of photographs, sketches, or maps of vital military and naval defensive installations and equipment, and for other purposes; to the Committee on Military Affairs.

A bill (S. 27) to permit the naturalization of certain Filipinos who have served in the United States Army; to the Committee on Immigration.

A bill (S. 28) to prevent desecration of the flag and insignia of the United States and to provide punishment therefor; to the Committee on the Judiciary.

A bill (S. 29) to amend paragraph 1 of section 22 of the interstate commerce act, as amended, by providing for the carrying of officers and enlisted men of the military and naval services while on leave of absence or furlough at own expense at reduced rates; to the Committee on Interstate Commerce.

By Mr. FRAZIER:

A bill (S. 30) to establish a Mississippi River board of engineers to investigate and report to Congress the best comprehensive project for the control and utilization of the Mississippi River between certain points, and for other purposes; to the Committee on Commerce.

By Mr. WALSH of Montana:

A bill (S. 31) granting a pension to John P. Cleveland; to the Committee on Pensions;

A bill (S. 32) for the relief of James A. Hoey, alias Francis Fairfield;

A bill (S. 33) to correct the military record of William McCormick;

A bill (S. 34) for the relief of Edward T. Moran;

A bill (S. 35) for the relief of James W. Nugent;

A bill (S. 36) for the relief of Frank N. Dominick; and

A bill (S. 37) for the relief of Charles Callender; to the Committee on Military Affairs.

A bill (S. 38) for the relief of Josephene M. Scott;

A bill (S. 39) for the relief of Kate Canniff;

A bill (S. 40) for the relief of William F. Brockschmidt;

A bill (S. 41) for the relief of Frank B. Hawley;

A bill (S. 42) for the relief of Homer F. Cox;

A bill (S. 43) for the relief of W. W. Payne;

A bill (S. 44) for the relief of George N. Paige; and

A bill (S. 45) for the relief of L. M. Winzenburg (with accompanying papers); to the Committee on Claims.

By Mr. HARRIS:

A bill (S. 46) to provide for the establishment of a branch home of the National Home for Disabled Volunteer Soldiers in one of the southeastern States; to the Committee on Military Affairs.

A bill (S. 47) to prohibit predictions with respect to cotton prices in any governmental report, bulletin, or other publication; to the Committee on Agriculture and Forestry.

A bill (S. 48) to provide for the erection of monuments at Dalton, Resaca, Cassville, and New Hope Church, in the State of Georgia, in commemoration of these historic points and battle fields of the Sherman-Johnston campaign in 1864, and to provide for the erection of markers at other points of historic interest along the Sherman-Johnston line of march; to the Committee on the Library.

A bill (S. 49) to promote the safety of passengers and employees upon railroads by prohibiting the use of wooden cars under certain circumstances; to the Committee on Interstate Commerce.

A bill (S. 50) to provide a procedure before United States commissioners in prosecutions of misdemeanor offenses against the prohibition laws (with an accompanying paper); to the Committee on the Judiciary.

A bill (S. 51) to subject certain immigrants, born in countries of the Western Hemisphere, to the quota under the immigration laws; and

A bill (S. 52) to amend the immigration act of 1924 in respect of the percentage quotas; to the Committee on Immigration.

A bill (S. 53) to create a national military park at and in the vicinity of Kennesaw Mountain in the State of Georgia, and for other purposes; to the Committee on Public Lands and Surveys.

A bill (S. 54) for the relief of the legal representatives of Walter Blake Heyward; to the Committee on Claims.

By Mr. SMOOT:

A bill (S. 55) to authorize the President, by and with the advice of the Senate, to appoint Lieut. Joseph I. Porter to the Medical Corps of the Navy, in the grade of assistant surgeon, rank of lieutenant (junior grade); to the Committee on Naval Affairs.

A bill (S. 56) authorizing and directing the Secretary of the Treasury to enter into a contract or contracts for the erection and completion of a plant suitable for the investigations of the Bureau of Mines in Salt Lake City, Utah; to the Committee on Mines and Mining.

A bill (S. 57) granting a pension to Neils Sandberg; and

A bill (S. 58) granting a pension to Janet R. Parker; to the Committee on Pensions.

A bill (S. 59) to amend an act authorizing the incorporation of the Smithsonian Institution;

A bill (S. 60) to amend subsection (a) of section 26 of the trading with the enemy act, so as to authorize the allocation of the unallocated interest fund in accordance with the records of the Alien Property Custodian; and

A bill (S. 61) to authorize reimbursement of Dr. B. W. Black, formerly a commissioned officer of the United States Public Health Service, for travel performed subsequent to June 7, 1924, under orders of the Secretary of the Treasury, issued prior to that date; to the Committee on Finance.

A bill (S. 62) to promote the development, protection, and utilization of national-forest resources, to stabilize the livestock industry, and for other purposes;

A bill (S. 63) to amend section 13, chapter 431, of an act approved June 25, 1910 (36 Stat. L. p. 855), so as to authorize the Secretary of the Interior to issue trust and final patents on lands withdrawn or classified as power or reservoir sites, with a reservation of the right of the United States or its permittees to enter upon and use any part of such land for reservoir or power-site purposes; and

A bill (S. 64) to authorize the Secretary of War to secure for the United States title to certain private lands contiguous to and within the Militia Target Range Reservation, State of Utah; to the Committee on Public Lands and Surveys.

A bill (S. 65) to create an establishment to be known as the national archives, and for other purposes;

A bill (S. 66) to increase the cost of public building at Eureka, Utah;

A bill (S. 67) for the purchase of a post-office site at Tremonton, Utah;

A bill (S. 68) for the purchase of a post-office site at Mount Pleasant, Utah;

A bill (S. 69) to authorize the appropriation of $50,000 for the erection of a public building at Nephi, Utah;

A bill (S. 70) for the purchase of a post-office site at Cedar City, Utah;

A bill (S. 71) for the purchase of a site and the erection of a public building at St. George, Utah; and

A bill (S. 72) relative to the extension and remodeling of the public building at Salt Lake City, Utah; to the Committee on Public Buildings and Grounds.

A bill (S. 73) for the relief of the estate of John Scowcroft;

A bill (S. 74) for the relief of Joseph H. Wilson;

A bill (S. 75) for the relief of the Utah Fuel Co.;

A bill (S. 76) for the relief of John A. Fox;

A bill (S. 77) for the relief of David Thygerson;

A bill (S. 78) for the relief of the sureties and indemnitors of William Roberts, Oren Burke, and Ralph Myers, and of Lilly J. Roberts, as administratrix of William Roberts, deceased;

A bill (S. 79) for the relief of Ernest Mowrey;

A bill (S. 80) for the relief of Rodney C. Allred, Eli J. Clayson, James Trinnaman, jr., Ruel Evans, and Ernest Henley;

A bill (S. 81) for the relief of the Bennion Livestock Co.;

A bill (S. 82) for the relief of Martin Dodge;

A bill (S. 83) for the relief of Zion's Cooperative Mercantile Institution; and

A bill (S. 84) for the relief of the Great Western Coal Mines Co.; to the Committee on Claims.

By Mr. WALSH of Montana:

A bill (S. 85) authorizing the Crow Tribe of Indians residing in the State of Montana to submit claims to the Court of Claims;

A bill (S. 86) providing that Indians and other persons on Indian reservations and superintendencies shall be subject to certain State or Territorial laws, and for other purposes; and

A bill (S. 87) to extend to the Northern Cheyenne Indians of Montana the same rights and benefits extended to other Indians under certain treaties; to the Committee on Indian Affairs.

A bill (S. 88) to amend section 202, paragraphs 9 and 10, of the act of June 7, 1924, entitled "An act to consolidate, codify, revise, and reenact the laws affecting the establishment of the United States Veterans' Bureau and the administration of the war risk insurance act, as amended, and the vocational rehabilitation act, as amended"; and

A bill (S. 89) to amend chapter 10, title 38, of the Code of Laws of the United States of America, entitled "World War veterans' relief act," to the Committee on Finance.

A bill (S. 90) relating to pardons;

A bill (S. 91) to supplement the act of June 30, 1906, creating the United States court for China;

A bill (S. 92) relating to foreign judgments;

A bill (S. 93) to amend the Penal Code;

A bill (S. 94) granting immunity to certain witnesses;

A bill (S. 95) to authorize the appointment of stenographers in the courts of the United States and to fix their duties and compensation; and

A bill (S. 96) to further the administration of justice in the Federal courts; to the Committee on the Judiciary.

A bill (S. 97) to provide for the erection of a public building at Havre, Mont.;

A bill (S. 98) to provide for the erection of a public building at Glasgow, Mont.;

A bill (S. 99) for the erection of a public building at Glendive, Mont., and appropriating money therefor; and

A bill (S. 100) to enlarge, extend, remodel, etc., the public building at Helena, Mont.; to the Committee on Public Buildings and Grounds.

A bill (S. 101) to provide for producers and others the benefit of official tests to determine protein in wheat for use in merchandising the same to the best advantage, and for acquiring and disseminating information relative to protein in wheat, and for other purposes; to the Committee on Agriculture and Forestry.

A bill (S. 102) relating to the employment of teachers or members of school boards by persons engaged in interstate commerce; to the Committee on Education and Labor.

A bill (S. 103) authorizing the payment of certain sums to Roosevelt County, Mont.;

A bill (S. 104) authorizing appropriation of funds for construction of a highway from Red Lodge, Mont., to the boundary of the Yellowstone National Park near Cooke City, Mont.; and

A bill (S. 105) relating to second-class postage rates; to the Committee on Post Offices and Post Roads.

A bill (S. 106) amending the act of January 27, 1922 (42 Stat. 359); and

A bill (S. 107) establishing additional land offices in the States of Montana, Oregon, South Dakota, Idaho, New Mexico, Colorado, and Nevada; to the Committee on Public Lands and Surveys.

By Mr. BORAH:

A bill (S. 108) to suppress unfair and fraudulent practices in the marketing of perishable agricultural commodities in interstate and foreign commerce; to the Committee on Agriculture and Forestry.

A bill (S. 109) to amend Public Laws No. 122 of the Seventieth Congress, known as the settlement of war claims act of 1928, so as to extend the time within which claims might be filed; to the Committee on Finance.

A bill (S. 110) for the relief of Edward Kesson; and

A bill (S. 111) for the relief of the Peckham-Case Furniture Co., of Caldwell, Idaho; to the Committee on Claims.

A bill (S. 112) granting an increase of pension to Evaline Gravitt;

A bill (S. 113) granting a pension to the minor children of Anatol Czarnecki;

A bill (S. 114) granting a pension to John L. Baxter; and

A bill (S. 115) granting a pension to Sarah Ellen Nichols (with accompanying papers); to the Committee on Pensions.

A bill (S. 116) to add certain lands to the Idaho National Forest, Idaho;

A bill (S. 117) to add certain lands to the Boise National Forest, Idaho;

A bill (S. 118) for the relief of Lyn Lundquist; and

A bill (S. 119) for the relief of Nellie Kildée; to the Committee on Public Lands and Surveys.

By Mr. ODDIE:

A bill (S. 120) to authorize the President to detail engineers of the Bureau of Public Roads of the Department of Agriculture to assist the governments of the Latin-American Republics in highway matters; and

A bill (S. 121) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes; to the Committee on Post Offices and Post Roads.

A bill (S. 122) to amend an act entitled "An act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor," approved June 4, 1924; to the Committee on Agriculture and Forestry.

A bill (S. 123) for the relief of Benjamin F. Spates;

A bill (S. 124) for the relief of certain officers of the United States Public Health Service;

A bill (S. 125) for the relief of Thurman A. Poe; and

A bill (S. 126) for the relief of H. D. Winton; to the Committee on Claims.

A bill (S. 127) to amend section 6 of an act entitled "An act relative to the naturalization and citizenship of married women," approved September 22, 1922; to the Committee on Immigration.

A bill (S. 128) granting a pension to Charles E. Woodward;

A bill (S. 129) granting a pension to Joseph I. Earl;

A bill (S. 130) granting a pension to Rebecca E. Huntsman;

A bill (S. 131) to amend the pension laws with reference to the terms of service of persons honorably discharged from the military or naval service of the United States; to the Committee on Pensions.

A bill (S. 132) for the construction of an irrigation dam on Walker River, Nev.; to the Committee on Irrigation and Reclamation.

A bill (S. 133) for the relief of Sergt. William S. Risley, Corpl. James R. Allen, and Pvts. William H. Edwards, Lorenzo Edmunds, Ole Michelsen, Andrew J. Burke, Frederick N. Sorenson, Walter A. Fullerton, Harry Pierce, Hughy Wright, James H. Jensen, Ren Bryson, and John J. Kelly, who served in Company B, First Battalion Nevada Volunteer Infantry, War with Spain; to the Committee on Military Affairs.

A bill (S. 134) to purchase land for the Indian colony near the city of Ely, Nev., and for other purposes; and

A bill (S. 135) to provide for the payment for benefits received by the Paiute Indian Reservation lands within the Newlands irrigation project, Nevada, and for other purposes; to the Committee on Indian Affairs.

A bill (S. 136) to authorize the acquisition of a site and the erection of a Federal building at Sparks, Nev.;

A bill (S. 137) to authorize the acquisition of a site and the erection of a Federal building at Ruth, Nev.;

A bill (S. 138) to authorize the acquisition of a site and the erection of a Federal building at Lovelock, Nev.;

A bill (S. 139) to authorize the acquisition of a site and the erection of a Federal building at Elko, Nev.;

A bill (S. 140) to authorize the acquisition of a site and the erection of a Federal building at Gardnerville, Nev.;

A bill (S. 141) to authorize the acquisition of a site and the erection of a Federal building at Yerington, Nev.;

A bill (S. 142) to authorize the remodeling of the building occupied by the United States mint and assay office at Carson City, Nev.; and

A bill (S. 143) to authorize the acquisition of a site and the erection of a Federal building thereon at Ely, Nev.; to the Committee on Public Buildings and Grounds.

A bill (S. 144) providing for the exchange of lands within the limits of railroad grants and within the exterior limits of stock driveways;

A bill (S. 145) to reestablish and reopen the United States land office at Elko, Nev.;

A bill (S. 146) to amend section 1 of the act of June 7, 1924, entitled "An act for the relief of settlers and town-site occupants of certain lands in the Pyramid Lake Indian Reservation, in Nevada, and for other purposes; and

A bill (S. 147) to authorize an exchange of lands between the United States and the Utah Construction Co.; to the Committee on Public Lands and Surveys.

By Mr. WALSH of Massachusetts:

A bill (S. 148) to require contractors and subcontractors engaged on public works of the United States to give certain preferences in the employment of labor; to the Committee on Education and Labor.

A bill (S. 149) to increase the pensions of certain veterans of the Civil War; and

A bill (S. 150) granting pensions and increases of pensions to certain widows of soldiers, sailors, and marines of the Civil War; to the Committee on Pensions.

A bill (S. 151) to repeal the national-origin provisions of the immigration act of 1924; to the Committee on Immigration.

A bill (S. 152) to provide for weekly pay days for postal employees; to the Committee on Post Offices and Post Roads.

By Mr. JOHNSON:

A bill (S. 153) granting consent to the city and county of San Francisco to construct, maintain, and operate a bridge across the bay of San Francisco from Rincon Hill to a point near the South Mole of San Antonio Estuary, in the county of Alameda, in said State; to the Committee on Commerce.

By Mr. BARKLEY:

A bill (S. 154) authorizing the Secretary of War to award the congressional medal of honor to Elmer C. Roberts, Julian I. Hickson, Kelley Ballard, Martin L. Gore, Thomas E. Carroll, Chester A. Hewitt, Richard Shinners, Norman C. Oleson, and Davis P. Hart; and

A bill (S. 155) for the relief of Jesse J. Britton; to the Committee on Military Affairs.

A bill (S. 156) granting a pension to Kate McGovern; to the Committee on Pensions.

A bill (S. 157) to provide for the erection of a monument to Daniel Boone and his company of pioneers at Fort Boonesboro, Ky.; to the Committee on the Library.

By Mr. BINGHAM:

A bill (S. 158) to amend the act of May 24, 1928, entitled "An act making eligible for retirement, under certain conditions, officers and former officers of the Army, Navy, and Marine Corps of the United States, other than officers of the Regular Army, Navy, or Marine Corps, who incurred physical disability in line of duty while in the service of the United States during the World War";

A bill (S. 159) to amend the act approved July 2, 1926 (44 Stat. p. 784), relating to the procurement of aircraft supplies by the War Department and the Navy Department;

A bill (S. 160) to provide more effectively for the national defense by authorizing an increase in the number of Reserve Officers' Training Corps units for the Air Corps of the United States Army, and for other purposes;

A bill (S. 161) to authorize the Secretary of War to pay officers and men of Company G, Third Infantry, Hawaii National Guard, for armory drill during the period January 1, 1917, to June 30, 1917;

A bill (S. 162) for recognizing aviation accomplishments;

A bill (S. 163) authorizing the Secretary of War to convey the Fort Griswold tract to the State of Connecticut; and

A bill (S. 164) giving preference to domestic materials in contracts and purchases for military and naval purposes; to the Committee on Military Affairs.

A bill (S. 165) to amend section 200 of the World War veterans' act, 1924, approved June 7, 1924, as amended; and

A bill (S. 166) providing for additional payments to certain persons receiving automatic war-risk insurance; to the Committee on Finance.

A bill (S. 167) to authorize enlisted men of the Coast Guard to count service in the Marine Corps for the purposes of longevity pay; to the Committee on Commerce.

A bill (S. 168) providing for the biennial appointment of a board of visitors to inspect and report upon the government and conditions in the Philippine Islands; to the Committee of Territories and Insular Possessions.

A bill (S. 169) for the relief of the State of Connecticut; and

A bill (S. 170) to pay certain claims heretofore reported to Congress by the Secretary of War arising from the explosions and fire at the plant of the T. A. Gillespie Loading Co. at Morgan, N. J., October 4 and 5, 1918; to the Committee on Claims.

By Mr. FLETCHER:

A bill (S. 171) authorizing the Secretary of War to modify the contract for the sale of St. Johns Bluff Military Reservation, Fla.;

A bill (S. 172) for the relief of Martin G. Schenck, alias Martin G. Schanck;

A bill (S. 173) authorizing an increase in the number of cadets at the United States Military Academy and midshipmen at the United States Naval Academy;

A bill (S. 174) to provide for the establishment of a branch home of the National Home for Disabled Volunteer Soldiers in the State of Florida; and

A bill (S. 175) for the relief of Frederick V. Armistead; to the Committee on Military Affairs.

A bill (S. 176) to amend an act entitled "An act in reference to writs of error," approved January 31, 1928; to the Committee on the Judiciary.

A bill (S. 177) to provide for refunding to the American Foundation (Inc.) tariff duties on a carillon of bells; and

A bill (S. 178) to amend section 3207 of the Revised Statutes, as amended by section 1030 of the act approved June 2, 1924; to the Committee on Finance.

A bill (S. 180) to legalize a bridge across St. Johns River 2½ miles southerly of Green Cove Springs, Fla.; to the Committee on Commerce.

A bill (S. 181) for the relief of James H. Roache; to the Committee on Public Lands and Surveys.

A bill (S. 182) for the relief of Daisy O. Davis; to the Committee on Claims.

A bill (S. 183) granting a pension to Jessie M. Harlan;

A bill (S. 184) to amend "An act granting pensions and increase of pensions to certain soldiers and sailors of the war with Spain, the Philippine insurrection, or the China relief expedition, to certain maimed soldiers, to certain widows, minor children, and helpless children of such soldiers and sailors, and for other purposes";

A bill (S. 185) granting a pension to Frederick Vanderhorst Toomer; and

A bill (S. 186) granting a pension to Robert P. Martinez; to the Committee on Pensions.

By Mr. WAGNER:

A bill (S. 187) to extend the benefits of the World War veterans' act, 1924, as amended, to John Melville; to the Committee on Finance.

A bill (S. 188) to provide for the admission to the mails as second-class matter of publications of charitable societies; to the Committee on Post Offices and Post Roads.

A bill (S. 189) granting an increase of pension to Julia Mackintosh; to the Committee on Pensions.

A bill (S. 190) for the relief of Thomas F. Nicholas; to the Committee on Military Affairs.

A bill (S. 191) for the relief of George B. Marx;

A bill (S. 192) for the relief of Ludwig Baer;

A bill (S. 193) for the relief of the Union Shipping & Trading Co. (Ltd.); and

A bill (S. 194) for the relief of Anne B. Slocum; to the Committee on Claims.

By Mr. NYE:

A bill (S. 195) to facilitate the administration of the national parks by the United States Department of the Interior, and for other purposes; and

A bill (S. 196) to provide for uniform administration of the national parks by the United States Department of the Interior, and for other purposes; to the Committee on Public Lands and Surveys.

By Mr. KING:

A bill (S. 197) making an appropriation for the survey of public lands in the State of Utah; to the Committee on Appropriations.

A bill (S. 198) to amend the act entitled "An act to provide for the settlement of certain claims of American nationals against Germany, Austria, and Hungary, and of nationals of Germany, Austria, and Hungary against the United States, and for the ultimate return of all property held by the Alien Property Custodian"; and

A bill (S. 199) to authorize the erection of a Veterans' Bureau hospital in the State of Utah; to the Committee on Finance.

A bill (S. 200) to amend the act approved March 3, 1927, entitled "An act granting pensions to certain soldiers who served in the Indian wars from 1817 to 1898, and for other purposes"; to the Committee on Pensions.

A bill (S. 201) to amend sections 2325 and 2326 of the Revised Statutes prescribing the method of obtaining patent to mining claims; to the Committee on Public Lands and Surveys;

A bill (S. 202) to provide for the deportation of certain alien seamen, and for other purposes; to the Committee on Immigration.

A bill (S. 203) to provide compulsory licenses for unused patents; to the Committee on Patents.

A bill (S. 204) providing for the withdrawal of the United States from the Philippine Islands; to the Committee on Territories and Insular Possessions.

A bill (S. 205) to provide for the establishment and maintenance, under the Bureau of Mines, of a research station at Salt Lake City, Utah; and

A bill (S. 206) to cede unreserved nonmineral public lands to the several States; to the Committee on Mines and Mining.

A bill (S. 207) for the relief of Indians, and for other purposes; to the Committee on Indian Affairs.

A bill (S. 208) to establish a department of national defense, and for other purposes; and

A bill (S. 209) to repeal the act entitled "An act to authorize the President to detail officers and enlisted men of the United States Army, Navy, and Marine Corps to assist the governments of the Latin-American Republics in military and naval matters," approved May 19, 1926; to the Committee on Military Affairs.

A bill (S. 210) to authorize the designation and bonding of persons to act for disbursing officers and others charged with the disbursement of public money of the United States; and

A bill (S. 211) transferring to the Department of Justice certain rights, privileges, powers, and duties relating to the national prohibition act, and for other purposes; to the Committee on the Judiciary.

By Mr. BLACK:

A bill (S. 212) to authorize the erection of a United States veterans' hospital in the State of Alabama and to authorize an appropriation therefor; to the Committee on Public Buildings and Grounds.

A bill (S. 213) granting a pension to Frank L. Smith (alias John H. Burden); to the Committee on Pensions.

By Mr. BROOKHART:

A bill (S. 214) to amend section 2 of the act entitled "An act to regulate and improve the civil service of the United States," approved January 16, 1883;

A bill (S. 215) to amend section 13 of the act of March 4, 1923, entitled "An act to provide for the classification of civilian positions within the District of Columbia and in the field services," as amended by the act of May 28, 1928;

A bill (S. 216) to establish a board of civil-service appeals and to amend an act entitled "An act to provide for the classification of civilian positions within the District of Columbia and in the field service," approved March 4, 1923 (ch. 265, 42 Stat. 1488), and for other purposes; and

A bill (S. 217) placing service postmasters in the classified service; to the Committee on Civil Service.

A bill (S. 218) to place Norman A. Ross on the retired list of the Navy; to the Committee on Naval Affairs.

A bill (S. 219) authorizing the Secretary of Agriculture to acquire toll bridges and maintain them as free bridges, and for other purposes; and

A bill (S. 220) to regulate the construction of bridges over navigable waters of the United States, and for other purposes; to the Committee on Commerce.

A bill (S. 221) to provide for the establishment of an 8-hour day for yardmasters of carriers; to the Committee on Interstate Commerce.

A bill (S. 222) authorizing the President to present in the name of Congress a medal of honor to Clarence D. Chamberlin; and

A bill (S. 223) for the relief of the widow of First Lieut. William C. Williams, jr., Air Service Reserve Corps, United States Army; to the Committee on Military Affairs.

A bill (S. 224) to amend section 5137 of the Revised Statutes, as amended; to the Committee on Banking and Currency.

A bill (S. 225) granting increase of pensions to soldiers, sailors, and marines of the war with Spain, the Philippine insurrection, and the China relief expedition, and to widows, children, and dependent relatives of such soldiers, sailors, and marines, granting pensions to World War veterans, and for other purposes; to the Committee on Pensions.

By Mr. HAYDEN:

A bill (S. 226) authorizing the issuing of certificates of arrival to persons born in the United States who are now aliens; to the Committee on Immigration.

A bill (S. 227) equalizing annual leave of employees of the Department of Agriculture stationed outside the continental limits of the United States; to the Committee on Agriculture and Forestry.

A bill (S. 228) for the relief of Jacob Scott;

A bill (S. 229) for the relief of August R. Lundstrom; and

A bill (S. 230) to credit certain officers of the Army with service at the United States Military Academy; to the Committee on Military Affairs.

A bill (S. 231) granting a pension to Thomas R. Myrick; to the Committee on Pensions.

A bill (S. 232) for the relief of John W. Adair; and

A bill (S. 233) for the relief of Agnes J. Bowling; to the Committee on Claims.

By Mr. CAPPER:

A bill (S. 234) to provide books and educational supplies free of charge to pupils of the public schools of the District of Columbia (with accompanying papers); to the Committee on the District of Columbia.

A bill (S. 235) for the relief of Maude E. Mayer; to the Committee on Foreign Relations.

A bill (S. 236) for the relief of Lyda F. Foster;

A bill (S. 237) granting compensation to John Frost;

A bill (S. 238) granting compensation to Chester B. Wood; and

A bill (S. 239) for the relief of William J. McCarthy; to the Committee on Finance.

A bill (S. 240) to protect trade-mark owners, distributors, and the public against injurious and uneconomic practices in the distribution of articles of standard quality under a distinguishing trade-mark, brand, or name; to the Committee on Interstate Commerce.

A bill (S. 241) to permit the naturalization of certain Filipinos who have served in the United States Army; to the Committee on Immigration.

A bill (S. 242) to correct the military record of James Coughlin; and

A bill (S. 243) for the relief of James E. Gilleece, alias James E. Gilleese (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 244) granting a pension to Anna Wynn;

A bill (S. 245) granting an increase of pension to Alice M. Rhodes;

A bill (S. 246) granting an increase of pension to Eda Blankart Funston;

A bill (S. 247) granting a pension to Lizzie Kennedy (with accompanying papers);

A bill (S. 248) granting a pension to Elizabeth Hoeck (with accompanying papers);

A bill (S. 249) granting an increase of pension to Nettie Manahan (with accompanying papers);

A bill (S. 250) granting a pension to Adelle Scott (with accompanying papers);

A bill (S. 251) granting a pension to Mary Randal (with accompanying papers);

A bill (S. 252) granting a pension to Edward Friesner (with accompanying papers);

A bill (S. 253) granting a pension to Emma R. Smith (with accompanying papers); and

A bill (S. 254) granting an increase of pension to Narcissa Blair (with accompanying papers); to the Committee on Pensions.

By Mr. JONES:

A bill (S. 255) for the promotion of the health and welfare of mothers and infants, and for other purposes; to the Committee on Commerce.

A bill (S. 256) to enable certain mothers and widows of deceased soldiers, sailors, and marines of the American forces now interred in the cemeteries of the United States to make a pilgrimage to these cemeteries; to the Committee on Military Affairs;

(By request.) A bill (S. 257) to establish a revolving fund for loans to a cooperative association for the production of fertilizer; to the Committee on Agriculture and Forestry.

By Mr. ASHURST:

A bill (S. 258) granting relief to disabled ex-service men in submitting final proof on homestead entries; to the Committee on Public Lands and Surveys.

A bill (S. 259) providing pensionable status for John D. Boyd's company of the Arizona Militia; to the Committee on Pensions.

A bill (S. 260) to amend section 202, paragraph 7, of the World War veterans' act of 1924, as amended; to the Committee on Finance.

A bill (S. 261) amending the act of January 25, 1917 (39 Stat. L. 868), and other acts relating to the Yuma Auxiliary project, Arizona; to the Committee on Irrigation and Reclamation.

A bill (S. 262) for the relief of John B. Evans; and

A bill (S. 263) for the relief of Henry M. Ismond; to the Committee on Naval Affairs.

Mr. ROBINSON of Arkansas. I introduce a bill providing for an amendment to the flood control act so as to authorize the payment by the Government for flowage rights in spillways.

By Mr. ROBINSON of Arkansas:

A bill (S. 264) to amend the act approved May 15, 1928, entitled "An act for the control of floods on the Mississippi River and its tributaries, and for other purposes; to the Committee on Commerce.

Mr. ROBINSON of Arkansas. I also introduce a bill, to which the attention of the Senator from Utah [Mr. SMOOT] is called, embodying certain amendments to the bill introduced by him to provide for the making of loans to drainage or levee districts, and for other purposes.

By Mr. ROBINSON of Arkansas:

A bill (S. 265) to provide for the making of loans to drainage or levee districts, and for other purposes; to the Committee on Irrigation and Reclamation.

Mr. ROBINSON of Arkansas. I also introduce a bill making available the fund for the protection of flood-control works and for bank protection on the tributaries of the Mississippi River pending the legislation which may be anticipated following the surveys now being made.

By Mr. ROBINSON of Arkansas:

A bill (S. 271) to amend section 7 of the Public Act No. 391, Seventieth Congress, approved May 15, 1928; to the Committee on Commerce.

A bill (S. 266) to establish game sanctuaries in the national forests; to the Committee on Agriculture and Forestry.

A bill (S. 267) to create a national memorial military park at Helena, Ark.; to the Committee on Military Affairs.

A bill (S. 268) to permit rural letter carriers to act as agents or solicitors outside of their hours of employment; to the Committee on Post Offices and Post Roads.

A bill (S. 269) to provide for the improvement of Ouachita River; and

A bill (S. 270) to authorize an appropriation of $25,000 for use in dredging Ouachita River between Arkadelphia and Camden, Ark.; to the Committee on Commerce.

A bill (S. 272) amending section 1 of the interstate commerce act; and

A bill (S. 273) for the protection of persons employed on railway baggage cars, railway express cars, and railway express-baggage cars, and for other purposes; to the Committee on Interstate Commerce.

By Mr. THOMAS of Oklahoma:

A bill (S. 274) authorizing the use of tribal moneys belonging to the Wichita and affiliated bands of Indians of Oklahoma for certain purposes; to the Committee on Indian Affairs.

A bill (S. 275) providing for the establishment in the Department of State of a board of foreign affairs and a Foreign Service school; to the Committee on Foreign Relations.

A bill (S. 276) to incorporate the Reserve Officers' Association of the United States; to the Committee on the Judiciary.

A bill (S. 277) to correct the military record of James Luther Hammon;

A bill (S. 278) for the relief of William A. Hynes; and

A bill (S. 279) for the relief of John Martin; to the Committee on Military Affairs.

A bill (S. 280) for the relief of Gertrude Lustig;

A bill (S. 281) for the relief of Jerry Branham;

A bill (S. 282) for the relief of Elisha H. Long;

A bill (S. 283) for the relief of A. G. Wilson;

A bill (S. 284) for the relief of Capt. John V. D. Hume;

A bill (S. 285) for the relief of N. B. Payne;

A bill (S. 286) for the relief of Thelma Phelps Lester;

A bill (S. 287) for the relief of Glenn W. Hanna; and

A bill (S. 288) for the relief of William Sheldon (with accompanying papers); to the Committee on Claims.

A bill (S. 289) granting an increase of pension to Elisha J. Dickerson;

A bill (S. 290) granting a pension to Alonzo Northrup; and

A bill (S. 291) granting an increase of pension to Mary E. Davis (with accompanying papers); to the Committee on Pensions.

By Mr. MOSES:

A bill (S. 292) to amend the act (Public, No. 135, 68th Cong.) approved May 24, 1924, entitled "An act for the reorganization and improvement of the Foreign Service of the United States, and for other purposes"; to the Committee on Foreign Relations.

A bill (S. 293) for the relief of Margaret Crotty (with an accompanying paper); to the Committee on Claims.

A bill (S. 294) granting a pension to Harriet Bancroft Lovejoy (with accompanying papers);

A bill (S. 295) granting a pension to Cora M. Bigelow (with accompanying papers; and

A bill (S. 296) granting an increase of pension to Ellen L. Webster (with accompanying papers); to the Committee on Pensions.

By Mr. NORRIS:

A bill (S. 297) granting an increase of pension to Martha Hastings;

A bill (S. 298) granting a pension to Pearl Rounds; and

A bill (S. 299) granting a pension to Alfaretta B. Greul; to the Committee on Pensions.

By Mr. FESS:

A bill (S. 300) granting a pension to William O. Forshay;

A bill (S. 301) granting an increase of pension to Margaret Sullivan; and

A bill (S. 302) granting an increase of pension to Victoria A. Amberg; to the Committee on Pensions.

By Mr. GREENE:

A bill (S. 303) granting an increase of pension to Frances M. Stone; to the Committee on Pensions.

A bill (S. 304) for the relief of Cullen D. O'Bryan and Lettie A. O'Bryan; and

A bill (S. 305) for the relief of Mary McGrath; to the Committee on Claims.

By Mr. LA FOLLETTE:

A bill (S. 306) to amend certain laws relating to American seamen, and for other purposes; to the Committee on Commerce.

A bill (S. 307) for the relief of Frederick E. Burgess; to the Committee on Military Affairs.

A bill (S. 308) for the relief of August Mohr; to the Committee on Claims.

By Mr. HASTINGS:

A bill (S. 309) to provide for the construction of a post road and military highway from a point on or near the Atlantic coast to a point on or near the Pacific coast, and for other purposes; to the Committee on Post Offices and Post Roads.

By Mr. RANSDELL:

A joint resolution (S. J. Res. 1) interpreting sections 3 and 4 of the Mississippi River flood control act of 1928; to the Committee on Commerce.

By Mr. BROUSSARD:

A joint resolution (S. J. Res. 2) authorizing the President of the United States to invite the Governments of Great Britain, Japan, Italy, and France to send representatives to a conference for the purpose of entering into an agreement to guarantee the independence of the Philippine Islands; to the Committee on Foreign Relations.

By Mr. NORRIS:

A joint resolution (S. J. Res. 3) proposing an amendment to the Constitution of the United States fixing the commencement of the terms of President and Vice President and Members of Congress and fixing the time of the assembling of Congress; to the Committee on the Judiciary.

By Mr. TYSON:

A resolution (S. J. Res. 4) proposing an amendment to the Constitution of the United States excluding aliens in the apportionment of Representatives among the several States; to the Committee on the Judiciary.

By Mr. KEYES:

A joint resolution (S. J. Res. 5) amending the act entitled "An act authorizing the erection for the sole use of the Pan American Union of an office building on the square of land lying between Eighteenth Street, C Street, and Virginia Avenue NW., in the city of Washington, D. C.," approved May 16, 1928; to the Committee on Public Buildings and Grounds.

By Mr. REED:

A joint resolution (S. J. Res. 7) for the appointment of a joint committee of the Senate and House of Representatives to investigate the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service; to the Committee on Military Affairs.

By Mr. SMOOT:

A joint resolution (S. J. Res. 8) to provide for appropriate military records for persons who, pursuant to orders, reported for military duty, but whose induction or commission into the service was not, through no fault of their own, formally completed on or prior to November 11, 1918, and for other purposes; to the Committee on Military Affairs.

By Mr. WALSH of Montana:

A joint resolution (S. J. Res. 9) for the amendment of the acts of February 2, 1903, and March 3, 1905, as amended, to allow the States to quarantine against the shipment thereto, therein, or through of livestock, including poultry, from a State or Territory, or portion thereof, where a livestock or poultry disease is found to exist, which is not covered by regulatory action of the Department of Agriculture, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. FLETCHER:

A joint resolution (S. J. Res. 10) proposing an amendment to the Constitution of the United States relative to the terms of Representatives; to the Committee on the Judiciary.

By Mr. KING:

A joint resolution (S. J. Res. 11) for the termination of the alleged treaty between the United States and Haiti; to the Committee on Foreign Relations.

By Mr. BLACK:

A joint resolution (S. J. Res. 12) to amend the act entitled "An act authorizing preliminary examinations of sundry streams with a view to the control of their floods, and for other purposes," approved February 12, 1929; to the Committee on Commerce.

A joint resolution (S. J. Res. 13) to amend public resolution approved February 25, 1929, entitled "Joint resolution for the relief of farmers in the storm and flood stricken areas of Virginia, North Carolina, South Carolina, Georgia, Florida, and Alabama"; to the Committee on Agriculture and Forestry.

By Mr. CAPPER:

A joint resolution (S. J. Res. 14) directing the Interstate Commerce Commission to take action relative to adjustment of freight rates upon export grain and grain products moved by common carriers subject to the interstate commerce act, and the fixing of rates and charges; to the Committee on Interstate Commerce.

By Mr. ASHURST:

A joint resolution (S. J. Res. 15) to furnish the daily CONGRESSIONAL RECORD to posts of the American Legion, the Disabled American Veterans of the World War, the Veterans of Foreign Wars, and to camps of the United Spanish War Veterans; to the Committee on Printing.

APPORTIONMENT OF REPRESENTATIVES IN CONGRESS

By Mr. VANDENBERG:

A bill (S. 3) to provide for apportionments of Representatives in Congress.

Mr. VANDENBERG. Mr. President, the last reapportionment act upon which the House and Senate agreed became a law on August 8, 1911, validating the 1910 census. For 18 subsequent years there has been no legislation on the subject despite constitutional requirement. The 1920 census never has been reflected in a new apportionment. Thus four Congresses and two Presidents have been elected on an anticonstitutional basis. The estimated result to-day is the existence of 32,000,000 relatively disfranchised Americans in 11 violated States.

The House of Representatives sought to cure this default on January 19, 1921, by the passage of a reapportionment based upon the 1920 census. The Senate killed the measure in committee, and refused subsequently to revive it.

The House later made a second and broader effort not only to cure the 1920 lapse but also to provide against a perpetuation of the lapse in 1930 and thereafter. To this end it passed the so-called Fenn bill (H. R. 11725) on January 11, 1929. This was favorably reported to the Senate by its Committee on Commerce on January 14, 1929 (S. 1474), but died on the calendar. In a word, it provided for automatic, ministerial reapportionment after each census in the event of failure by Congress to act independently.

At the time of its demise announcement was made on the Senate floor that the same purpose sought to be served by the Fenn bill would be renewed in the extra session of Congress. The proposal introduced herewith is in keeping with this prospectus. But as the result of many conferences and inquiries during recess certain changes are proposed in the former phraseology, not for the purpose of changing its objectives in any degree, but for the purpose of emphasizing these objectives in a manner and form calculated better to serve the accomplishment of a permanent enabling act and thus to protect representative institutions at their source pursuant to constitutional theory and mandate. The need for this protection has ceased to be an academic consideration. It is confessed by the failure of Congress for the past eight years to agree upon new apportionment which should correct the glaring inequalities now trespassing upon the constitutional rights of a quarter of the population of the United States. Nor is there convincing reason to anticipate that in lieu of an enabling act of this character the same influences and considerations which have prevented constitutional apportionment in the past will not prolong these defaults indefinitely. As entrenched inequities increase their voluntary correction proportionately becomes less easy and less likely.

The purpose of this explanatory statement is not that of proving the existing constitutional jeopardy, nor in sustaining in relation thereto the need of statutory guaranties to cure the evils of congressional inertia. These axioms are considered to be self-evident. Neither is the purpose of this statement to defend the so-called "anticipatory character" of this proposal. If this were an infirmity, it would defeat every enabling act ever created. The Supreme Court repeatedly has passed upon this issue. It is settled. "Let the end be legitimate, let it be within the scope of the Constitution; and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, and consist with the letter and spirit of the Constitution, are constitutional." (McCulloch *v.* Maryland, 4 Wheaton, 316.) It equally is settled that the delegation of a purely ministerial function by Congress, in pursuit of these ends, is beyond constitutional question. "It is not too much to say that a denial to Congress of the right, under the Constitution, to delegate the power to determine some fact of the state of things upon which the enforcement of its enactment depends would be to stop the wheels of government and to bring about confusion, if not paralysis, in the conduct of the public business." (Union Bridge Co. *v.* U. S., 204 U. S. 364.)

These phases of the principle sought to be served by the so-called Fenn bill are covered in prior debates. Thus the principle has been settled—and officially approved by that branch of Congress primarily and immediately affected by its terms. The principle transcends any ministerial detail in its validation. This proposed bill scrupulously preserves this principle. Its changes aim only at improvement in detail consonant with the principle. The purpose of this statement is confined to an explanation of these changes.

FIRST

The proposed title is "An act to provide for the apportionment" instead of "An act for the apportionment." This is a

more scrupulous definition, because the act does not make an actual apportionment. It is a general enabling act to provide a permanent system under which actual and specific apportionments shall occur. If this distinction be borne clearly in mind, there will be less confusion in subsequent thinking. There will be a larger vision. We shall concern ourselves less with the petty arithmetic which involves the temporary numerical status of a given State in a given Congress, and more with the permanent provision of indubitable life insurance for the Constitution of the United States.

SECOND

The proposed bill substitutes the President for the Secretary of Commerce as the ministerial agent who shall report the census figures and certain fixed mathematical deductions therefrom. It is obviously preferable that this function be served by a constitutional officer, since permanence is one of the major virtues to be desired in such a statute.

THIRD

Instead of naming a House membership of 435 it names "the existing number," and instead of designating the "method known as major fractions" it designates "the method used in the last preceding apportionment." Under dispassionate analysis this change will be found to be vastly more than mere substitution of words. It will promptly prove itself to be in larger harmony with the broad aspirations with which this enterprise is clothed. In proportion as it relieves the bill of needless mechanical detail it also should relieve the bill of such opposition as heretofore has complained against detail. The reasons for this third change in phraseology are as follows:

First. As regards limit of membership, the new phraseology does not depart from the courageous proposal of the Fenn bill to hold the House to its present membership of 435, except that it proposes to accommodate itself to a change in this limit if and when Congress itself, in some subsequent specific apportionment, shall make such a change in an actual apportionment. If this act should foreclose itself against such accommodation, it might be repealed by implication, as happened to a kindred act in 1850, in the event that an actual subsequent apportionment should change the size of the House. Thus it would sacrifice its permanence. Let the theory of the act be clearly remembered. It is not a specific apportionment. That issue, under the terms of the act, arises independently in 1930 and each tenth year thereafter. This is a permanent enabling act, paralleling and authenticating the Constitution, and intended not only for one but for all subsequent crises in the event of subsequent defaults. Therefore, like the Constitution, it should avoid all possible mechanical detail and, so far as possible, broadly accommodate itself to the serial decisions of Congress both as to limit of membership and as to method for handling remainders.

Second. To identify any one method in this permanent act—whether the method of major fractions or equal proportions—would be to assume that science itself has traversed the subject with finality. Science is not thus static. For example, there are at least three other methods discussed in the report of the National Academy of Sciences, which is careful to delimit its present findings to "the present state of knowledge." Again, there never yet has been a deliberate effort to fix the constitutional objective which the method of apportionment should answer. In other words, the subject is far from closed. The last word by no means has been spoken. Scientists themselves will be among the first to recognize this fact, and, like the National Academy, scrupulously confess themselves limited to the "present state of knowledge." A permanent ministerial apportionment act should be susceptible of accommodation to the progressive state of knowledge. Progressive latitude is impossible if any one method be frozen into this neutral law. This act expressly and purposely avoids all limitation, leaving to each decennial Congress the right of unprejudiced selection. Such a purpose can be achieved only by the language proposed.

Third. To identify any one method of apportionment is to expose the legislation to the same possibility of repeal by implication noted heretofore in connection with a fixed limit on membership. If this act were, for example, to require ministerial apportionment by the method of equal proportions, and Congress were to insist upon using the method of major fractions in a specific 1930 reapportionment, then this act would be repealed by implication and the basic purpose and necessity of the act—namely, to provide permanent constitutional insurance against these recurrent decennial defaults—would be wholly defeated. In other words, desirable permanence can be achieved only by the language proposed.

Fourth. Since the dominating purpose is to cure a basic default in a fundamental constitutional process, method in such a ministerial law is entirely secondary. Yet to identify any one of several rival methods would be to invite a collateral quarrel over method, which puts an wholly artificial emphasis in the wrong place and subordinates the "shadow" to the "substance." It provides the foes to all ministerial reapportionment with excuses for opposition when reasons lack. That the question of method is utterly secondary is susceptible of mathematical proof. For example, the choice of methods in 1920 affected only three seats while the failure of all apportionment in 1920 affected 435 seats. Again, and even more eloquently, the choice of methods in 1930 will affect but 1 seat while a renewed failure of all apportionment in 1930 again will affect 435 seats. The pending problem, in other words, is infinitely more than a war of quotients. This act would serve the far broader function of providing in the case of reapportionment what the Federalist Papers declared to be essential to the life of government, namely, "A power equal to every possible contingency must exist somewhere in the Government." Obviously, this power is lacking as regards apportionment until this act is law. This basic need should never be minimized or smoke screened by lesser considerations. Therefore all needless detail and detour should be avoided in its terms. This again recommends the proposed phraseology.

Fifth. The problem, then, is to avoid detail, while yet providing all essential specifications. Manifestly this calls for the status quo in the matter of detail in any given decennial, to wit, "the existing number of Representatives" and "the method followed at the last preceding apportionment." We take from Congress none of its rights of independent decision. We take away only its anticonstitutional inertia. We leave with Congress all possible serial control over detail. If it be said that this language may perpetuate major fractions in 1931, the answer is that it may just as readily perpetuate equal proportions after 1930 if Congress chooses to use the latter method in an independent 1930 apportionment. The further answer is that the failure of this act, in the event of continued congressional default in 1930, will perpetuate major fractions anyway, just as nine years of default have perpetuated them since 1920. In other words, the partisans of major fractions or equal proportions or any other method have a common interest in the latitudes which this proposed phraseology affords, and in the success of this movement which is attempting to write this proposal into law. This is the time and the place for all partisans of all methods to take common ground for the sake of the basic objective, because the lapse in apportionment itself must be cured or there will be no further opportunity for any method. The partisan of equal proportions may feel that the enabling act would be stronger with his particular method identified, because he can summon powerful scientific witnesses to sustain his mathematical conclusions. But the partisan of major fractions may feel just as strongly that his particular method would be the larger asset, because he, too, has witnesses, and he has also the authority of existing practice plus the latest decision of the House of Representatives. Neither partisan, however, rationally wants the act itself to fall between these rivalries; and both partisans should find compelling reasons why ministerial legislation of this permanent type properly and logically should avoid temporary controversies and temporary decisions.

I move that the bill be referred to the Committee on Commerce.

The motion was agreed to.

Mr. VANDENBERG. The Census Advisory Committee met on Saturday and has submitted a report relative to the pending apportionment measure. I ask that the report be printed in the RECORD and referred to the Committee on Commerce.

There being no objection, the report was referred to the Committee on Commerce and was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF COMMERCE,
BUREAU OF THE CENSUS,
Washington, April 13, 1929.

Hon. ARTHUR H. VANDENBERG,
United States Senate, Washington, D. C.

MY DEAR SENATOR: The Census Advisory Committee held a meeting in the Census Bureau to-day and, in compliance with your request, gave considerable attention to the advisability of the enactment of a law providing for a ministerial apportionment, and I take pleasure in sending you the resolution that was unanimously adopted.

I and the assistant to the director, Dr. Joseph A. Hill, participated in the discussion and we agree with the recommendation of the committee.

Very truly yours,

W. M. STEUART, *Director.*

DEPARTMENT OF COMMERCE,
BUREAU OF THE CENSUS,
Washington, April 13, 1929.

Hon. WILLIAM M. STEUART,
Director of the Census, Washington, D. C.

SIR: In compliance with Senator VANDENBERG'S request as transmitted to us through the Director of the Census we have given consideration to the question of what method of apportionment should be prescribed in a law providing for a ministerial apportionment to go into effect following each decennial census in case Congress itself fails to act.

Independently of the relative merits of different methods of apportionment, we are of the opinion that in a law providing for ministerial apportionment of Representatives, to go into effect only in case Congress itself fails to make an apportionment, it is desirable to provide that the method shall be that "followed at the last preceding reapportionment," since presumably the intent of Congress would be best carried out by this procedure. This would leave it open to future Congresses to apply or prescribe whatever method may be approved and would avoid what might otherwise prove to be temporary definitions in a law aiming at permanence.

The committee ventures to express the hope that the present Congress not only will pass a general and permanent enabling act, as indicated, but also will appoint a special committee or commission to study the subject of methods of apportionment in all its phases and to prepare a comprehensive report for the information of Congress in connection with the specific apportionment of 1930. In this connection it may be proper to call attention to a report submitted by the census advisory committee to Senator Sutherland under date of February 24, 1921.

Respectfully submitted.

GEORGE E. HARNETT,
ROBERT E. CHADDOCK,
WILLFORD I. KING,
G. F. WARREN,
W. F. WILLCOX, *Chairman,*
The Census Advisory Committee.

This action of the advisory committee is also approved by the following, who were members of this committee in 1921, when last the committee acted upon reapportionment:

Edwin R. A. Seligman.
Carroll W. Doten.
Wesley C. Mitchell.

NOTE.—These signatures include all the scientists now officially connected with the Census Bureau in a direct or advisory capacity. Professors Doten, Mitchell, and Willcox are former presidents of the American Statistical Association. Professors Seligman, Chaddock, Willcox, and Mitchell are former presidents of the American Economic Association. These are the two associations which nominate members for the advisory committee of the Census Bureau.

MARINE BIOLOGICAL STATION AT KEY WEST

By Mr. FLETCHER:

A bill (S. 179) to authorize the Secretary of Commerce to dispose of the Marine Biological Station at Key West, Fla.

Mr. FLETCHER. Mr. President, the bill which I have introduced is an exact copy of Senate bill 6560 which passed the Senate on February 25, 1929, and was passed by the House of Representatives on March 2, 1929, without amendment. The bill was enrolled on March 2, 1929, but did not reach the Speaker of the House of Representatives and the President of the Senate for signature. I am introducing again the identical bill as it passed both bodies at the last session, and I desire to ask unanimous consent for its present consideration.

Mr. WATSON. Mr. President, may I ask the nature of the bill?

Mr. FLETCHER. It is a bill to authorize the Secretary of Commerce to dispose of the marine biological station at Key West, Fla. It is recommended by the department.

Mr. WATSON. This being a new Congress I think it proper that the bill should be referred to the appropriate committee.

Mr. FLETCHER. I submit that the bill was passed by both Houses in the last Congress. I ask that the bill may lie on the table.

The VICE PRESIDENT. The bill will lie on the table for the present.

OPERATIONS OF THE NATIONAL PROHIBITION LAWS

By Mr. BLEASE:

A joint resolution (S. J. Res. 6) to amend the Constitution of the United States so as to subject any person or persons upon any foreign territory located in the United States or its possessions to the operations of the national prohibition laws; to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

Whereas Article VI, clause 2, of the Constitution of the United States provides, "This Constitution and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land"; and

Whereas "All that can be required of a State is that it should not overstep the limits which international law places upon its jurisdiction; within these limits, its title to exercise jurisdiction rests in its sovereignty. Nor is criminal jurisdiction governed by a different principle. All, or nearly all, systems of law extend their action to offenses committed outside the State which adopts them, and they do so in ways which vary from State to State," ; and

Whereas "The territoriality of criminal law, therefore, is not an absolute principle of international law and by no means coincides with territorial sovereignty"; and

Whereas "There is no rule of international law to the effect that criminal proceedings are exclusively within the jurisdiction of the State whose flag is flown."; and

Whereas "No one disputes the right of a State to subject its citizens abroad to the operations of its own penal laws, if it sees fit to do so. This concerns simply the citizen and his own government, and no other government can properly interfere": Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each house concurring therein), That the following amendment be proposed to the legislatures of the several States as an amendment to the eighteenth amendment to the Constitution of the United States, which when ratified by three-fourths of said legislatures, shall be valid as part of the Constitution, and to be known as section 4 of the eighteenth amendment or Article XVIII of the said Constitution, viz:

After one month from the ratification of this amendment the manufacture, sale, transportation, possession, purchase, importation, or exportation of intoxicating liquors by any person or persons, whomsoever, native or foreign born, citizen, resident, visitor, foreign representative, or temporary resident as the representative of any country, officially or otherwise, upon any soil or territory, foreign or domestic, located in the United States or its possessions, whether the same is or shall be a private or public place, such as an embassy, consulate, or otherwise, is hereby prohibited, and the Congress shall have power and it shall be its duty to enforce, by appropriate legislation, the provisions of this section of the Constitution.

PROHIBITION ENFORCEMENT ON AMERICAN VESSELS

Mr. BLEASE submitted the following concurrent resolution (S. Con. Res. 1), which was referred to the Committee on Commerce:

Whereas it is a duly acknowledged and universally recognized principle of international law that, "What occurs on board a vessel on the high seas must be regarded as if it occurred on the territory of the state whose flag the ship flies": Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the President and all public officials charged with the enforcement of the laws of the United States be, and they are hereby, respectfully requested to prosecute, in the strictest sense and to the full extent of the national prohibition laws, each and every violation thereof which occurs upon any vessel or vessels flying the American flag upon the high seas.

USE OF LIQUORS BY FOREIGN REPRESENTATIVES

Mr. BLEASE submitted the following concurrent resolution (S. Con. Res. 2), which was read and referred to the Committee on Foreign Relations:

Whereas it has come to the knowledge of the American public that the embassies, through foreign ambassadors, ministers, consuls, secretaries, attachés, and clerks, have received and are continuously receiving whiskies, wines, beers, and other intoxicating drinks, and are serving them at their private meals and at quasi-public and public dinners and entertainments; and

Whereas the eighteenth amendment to the Constitution of the United States prohibits such conduct, and the laws of the United States prohibit the possession of, the transporting, the selling, or the serving of such drinks as are intoxicating, either in private homes or elsewhere; and

Whereas it has become a scandal in view of the publicity given to the same as to the sale of whisky by parties connected with certain embassies, and the drinking in public of such parties, the reckless driving of automobiles while drunk, and other infractions of the law; and

Whereas such conduct on behalf of foreign representatives is setting a bad example to the younger people of this country and creating among them a disrespect for the Constitution and laws of our country: Therefore be it

Resolved by the Senate (the House of Representatives concurring):

1. That each and every foreign nation be requested to send to this country as their representative only persons who are willing to abide by the Constitution and laws of this country, and who will not serve intoxicating liquors to any American citizen.

2. That all public officials of the United States be requested not to drink intoxicating liquors, either in public or in private, with foreign representatives.

3. That the President of the United States and other officials charged with enforcement of the laws be respectfully requested to forward a copy of these resolutions to all of the foreign countries who are represented in this country, together with the request that they see that their representatives to this country discontinue such practices and obey the laws of this country, or else withdraw such representatives and send those who will obey.

4. That the Secretary of the Senate is directed, upon the adoption of these resolutions by the Senate and the House of Representatives, to forward to the representative of each foreign government so represented a copy of these resolutions, together with the request that they themselves comply therewith, and that they instruct their subordinates to comply with the laws of this country or else to leave it.

5. That the President of the United States be respectfully requested to instruct all representatives of the American Government in foreign countries not to serve intoxicating liquors in the American embassies or consulates.

Mr. BLEASE. Mr. President, in connection with the concurrent resolution which I have just introduced I submit certain articles appearing in the Washington Post and other newspapers, which I ask may be printed in the RECORD and referred to the Committee on Foreign Relations.

There being no objection, the articles were referred to the Committee on Foreign Relations and were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Saturday, March 16, 1929]

SIAMESE LEGATION RUM TRUCK TAKEN BY POLICE—LIQUOR SURRENDERED TO ENVOY—DRIVER AND AIDE TO FACE CHARGES

A 5-ton truck containing 60 cases of choice liquors consigned to the Siamese Legation was seized by a motor cycle policeman yesterday afternoon, and before the day was over the State Department and the district attorney's office were in a hubbub.

The 1,440 bottles of Scotch, champagne, and sparkling wines were eventually turned over to the legation, but the driver of the truck and his helper were arrested on a charge of transporting liquor. They may be arraigned under the Jones Act.

The two were Gilbert L. Wilt, the driver, and Roy Miller, the jumper, both of Baltimore. So far as they were concerned, they might have been driving a truckload of furniture. The Baltimore trucking concern for which they work has been transporting diplomatic liquor to Washington ever since the prohibition law went into effect.

Last night the two men were released under $500 bond each, but the truck they had brought over from Baltimore was confiscated by Prohibition Agent Basil Quinn.

The seizure of the liquor was an indirect result of the passage of the Jones Act increasing the penalties for prohibition violations. As a result of inquiries that were received from embassies and legations following the enactment of the Jones bill, the State Department advised ambassadors and ministers that they would have to have their own attachés drive liquor trucks to Washington hereafter.

Although the Siamese Legation did not do this exactly yesterday, it went as far as it could in this direction, and last night other diplomats were characterizing the seizure of the liquor as "ridiculous."

When he was notified that the 60 cases of liquor for his legation had arrived in Baltimore from England, Luang Debavadi, third secretary of the legation, assigned Luang Chara to go to Baltimore and bring the liquor back in a truck.

According to Debavadi, the trucking company—Davidson Transfer & Storage Co., which hauls liquor for the British Embassy and virtually all embassies and legations here—insisted that their own driver handle the truck on its trip to Washington. So Chara had to come back as a passenger.

The liquor-laden truck was within a stone's throw of the Siamese Legation, at 2300 Kalorama Road NW., when it was stopped. To be exact, it was crossing at Twenty-third and S Streets when Traffic Policeman W. A. Schotter hailed the driver and told him to proceed to the third precinct.

By his conduct Schotter gave the impression that he had been instructed to make the arrest by "higher ups." When he was asked if this were true he simply laughed.

But last night District Attorney Leo A. Rover denied that he knew anything about the case in advance. At the same time he made it clear that he had not made up his mind just how he would proceed against the driver and the helper of the truck.

"As matters now stand," said Rover, "it is my intention to proceed against the two men under the provisions of the Jones Act. However, I am going to make a further study of the case, and it is possible that I will change my mind. In the meantime I have given instructions to postpone the case when it comes up in police court to-morrow."

LEGATION TO KEEP LIQUOR

Rover understood that the Siamese Legation had agreed to turn a quart of the liquor over to him for the purpose of prosecution, but an attaché of the legation said last night that there was no intention of doing this.

Thus, it appears that Rover or his assistants will have no evidence when they go into court to prosecute the driver of the truck.

When the liquor truck arrived at the third precinct station, Captain Stott notified the office of District Attorney Rover and the office of Prohibition Administrator J. W. Quinn. Rover gave instructions that the two prisoners be released in $500 bond, and Quinn told Stott to turn the liquor truck over to Prohibition Agent Basil Quinn.

Inasmuch as the Siamese Legation had a permit to bring the liquor to Washington, there was no question as to whether it should be unloaded there. So Agent Quinn agreed to drive the truck to the legation.

LIQUOR SENT TO LEGATION

En route he was followed by a caravan of automobiles containing policemen, reporters and photographers, and curious citizens. After a tortuous trip through the gates of the legation grounds, Quinn brought the truck to the entrance of the wine cellar. The question here arose as to who was to carry the cases in.

Under the contract between the legation and the trucking company the two men who had been arrested were supposed to do this job. But now there was nobody to do it—that is, unless, perhaps, Agent Quinn and the policemen would do it. And here Third Secretary Debavadi smiled.

Gallantly Agent Quinn and Policemen Gravelly and Brick agreed to unload the truck. In the meantime, the attachés of the legation unburdened themselves of what was on their chests.

"We have tried to comply with the law," said Debavadi. "I suppose we import less liquor than any other legation in town. This is the first consignment we have had in a year, and we expect this to last us for a year."

OTHER SHIPMENTS MADE SAFELY

Attachés of other legations pointed out, however, that under the present system it will be necessary for every embassy and legation to hire a truck driver and list him as an attaché—that is, if they are to continue to enjoy their privilege to import liquor.

One attaché pointed out that the Chinese and Persian Legations both brought liquor over from Baltimore yesterday and "got away with it," although the stuff was brought over in the same manner as was that of the Siamese Legation.

Prohibition Agent Quinn, after unloading the liquor at the Siamese Legation last night, set about to drive the truck away to the warehouse. In order to turn it around he had to back into the rain-sodden loam in the back yard. And at a late hour last night he still was marooned.

[From the Washington Post, Sunday, March 17, 1929]

SIAM RUM SEIZURE ROUSES DIPLOMATS—COMPLICATIONS FOLLOW ARREST OF DRIVER AND AIDE ON LEGATION TRUCK—PROCEDURE IS IN DOUBT

By Albert W. Fox

Complications embarrassing to the State Department, the foreign diplomats, and the courts have arisen overnight as a result of the seizure by police on Friday of a privately owned truck laden with a liquor consignment for the Siamese Legation. The whole question of diplomatic immunity and comity of nations may be drawn into developments of this latest effort in the tightening process of enforcing prohibition.

Sir Esme Howard, British ambassador, and other diplomats are understood to take the position that the State Department must henceforth vouch for the legality of methods employed in liquor shipments before such shipments are undertaken by the embassies and legations. Sir Esme was at the White House yesterday on another matter, but did not seem to be disturbed over the court action respecting the truck driver hauling the diplomatic liquor. But it is understood that the British ambassador will communicate with the State Department before the next consignment of liquor for the British Embassy arrives and will ask the department to pass judgment on the legality of the method to be employed in the shipment.

The State Department, however, is understood to be desirous of keeping as much as possible out of the picture. Off-hand opinions given by State Department officials yesterday were to the effect that the courts and not the department must answer questions propounded. Embassies and legations can not, however, wait for courts of last resort to render opinions, as it may be two or three years before the Supreme Court of the United States would decide the case of the two truck drivers handling the Siamese Legation's liquor, should this become a test case. Embassies and legations want no interruptions in their liquor consignments and the State Department has taken no steps to indicate that such interruptions were either necessary or desirable.

One of the diplomats suggested yesterday that the diplomatic corps purchase trucks and operate them by their own chauffeurs and with equitable distribution of expenses. By this means, it is suggested, the legal snarl created by the operation of a privately owned trucking company would be avoided.

The immunity of the diplomat "or any domestic or domestic servant" of the ambassador or minister, dates back to 1790. If his "goods or chattels are distrained, seized, or attached," such action is not only void, but the person responsible is declared to be "a violator of the laws of nations and a disturber of the public repose," and subject to imprisonment for not more than three years and a fine at the discretion of the court.

IMMUNITY QUESTION RAISED

State Department officials called attention to these statutes yesterday in discussing the matter with the press. It is noted that the liquor belonging to the Siamese Legation was delivered to the legation by prohibition officers and was not detained, and it is also noted that no attempt has been made to seize or interfere with any diplomat or servant of such diplomat in connection with liquor shipments. But the question arises as to whether the driver of a privately owned trucking company is entitled to the immunity extended to the diplomat's servant.

The trucking company is an independent contractor, and the driver of the privately owned truck is admittedly not the servant of the diplomat. The question of the truck driver's right to transport liquor for the diplomat therefore admittedly becomes involved with many and varied opinions offered on both sides.

The Supreme Court of the United States has already decided in the so-called warehouse case that a truck driver carrying liquor from a warehouse to the home of the owner was not "transporting" within the meaning of the Volstead Act, when the liquor in the warehouse had been legally acquired. This has raised the question of whether liquor shipped to a diplomat has been legally acquired at the point of arrival in the United States. There is divergence of view on this point, some contending that the Jones Act makes all transportation illegal and that the diplomats are protected by their immunity and not because the liquor has been acquired in conformity to American law.

TRUCKERS' FATE IN DOUBT

The district attorney's office was still undecided yesterday as to what will be done with the two truckmen who were arrested on Friday for bringing in the Siamese Legation liquor. Both truckmen, Gilbert L. Witt and Roy Miller, are employed by the Davidson Transfer & Storage Co., of Baltimore, and both were formally charged yesterday in police court with transporting liquor. Their arraignment was postponed indefinitely by District Attorney Leo A. Rover.

A conference was later held in Rover's office between Rover, his assistants, R. F. Camalier and Harold W. Orcutt; Barnett Davidson, of Baltimore, and Otto Ruppert, jr., of this city, officials of the trucking company; and Frederick L. Stohlman, attorney for the company. Rover informed the company's representatives that the case had been indefinitely postponed. He added that the truck, confiscated by Basil N. Quinn, dry agent, would be turned back to the company if prohibition authorities were willing. Both the truckmen are at liberty in $500 bail each. Rover said he regarded the men guilty of a technical violation of the charges, covered by the Jones law, but was assured by the company's representatives that the men had acted in good faith in bringing the liquor into the city.

DIPLOMAT WAS ABOARD

Traffic Policeman W. A. Shotter arrested the two on Friday as the truck was being driven across Twenty-third and S Streets NW. The third secretary of the Siamese Legation was riding on the truck with his diplomatic credentials.

The fact that the liquor was detained at the station house before being delivered by the prohibition agent to the Siamese Legation raises the question of whether or not there has been a technical violation of the Revised Statutes covering diplomatic immunity and providing for the penalty of three years' imprisonment and fine at the discretion of the court. The statute specifically covers any distraining, seizing, or attaching of the goods or chattels of the diplomat or his servant. The presence of the third secretary of the legation on the truck would not, however, place the truck drivers in the position of acting as servants of the legation if they were acting for an independent contractor in the name of the trucking company. It might, however, be difficult to decide for whom the truck drivers were acting, in point of law.

One method of procedure which diplomats have followed in the past has involved the purchase of the truck for the day with arrangement for the buying back of the truck by the trucking company when the day's haul had been completed. This was a mere subterfuge, according to frank admissions, and was later discontinued.

Prohibition Commissioner James M. Doran is anxious to see the present case speedily adjusted and is working in harmony with the State Department to that end.

DIPLOMAT'S LIQUOR

The police department makes a blunder when it attempts to interfere with the transport of intoxicating liquor belonging to foreign envoys. It will be noted that the prohibition enforcement bureau was not a party to the arrest of the truck driver who conveyed liquor from Baltimore to the Siamese Legation. The precedents establishing the immunity of foreign envoys and their servants are so well established, and the law which penalizes American officers for the invasion of diplomatic rights is so clear, that the police department merely involves itself in trouble when it goes contrary to law.

It may be that the truck driver will be prosecuted on the ground that he was not a servant of the foreign envoy. As a practical matter he was a servant, and while transporting the liquor he was not violating any law, because the liquor itself was not subject to seizure. A secretary of the legation was on the truck, bearing his official credentials. It would be an absurdity to insist that every ambassador and minister or an officially accredited secretary should personally drive a truck that is lawfully conveying liquor lawfully imported.

[From the Washington Post, Monday, March 18, 1929]

APOLOGY OF UNITED STATES TO SIAM LOOMS IN RUM SEIZURE—ATTITUDE OF LEGATION ON CASE WILL DETERMINE OFFICIAL ACTION—DIPLOMATS INCLINED TO HUMOROUS VIEW—SERIOUS COMPLICATIONS ARE SEEN IF PROCEDURE IS CONTINUED—STATE DEPARTMENT BUTT OF POLICE ACT—EFFORT TO END IMMUNITY OF FOREIGN ENVOYS MAY BE ATTEMPTED

By Albert W. Fox

Sincere but humiliating apology to the Siamese Government by the Government of the United States now looms as the probable outcome of the seizure by a Washington policeman on Friday of a privately owned truck laden with a choice liquor consignment for the Siamese Legation. It all depends on whether or not the Siamese Legation officially protests the action to the State Department. Diplomats remain divided as to whether the incident should be viewed in a serious or humorous light.

But it is generally conceded that a very serious international issue will be raised if the United States Government should attempt arbitrarily to disregard the recognized immunities accorded to foreign diplomats and thereby make recognized rights of foreign governments subservient to the Jones Act or the prohibition law. Secretary of State Kellogg is not expected to make a mountain out of a mole hill by precipitating such an issue. But there is admittedly some pressure from prohibition quarters in support of wiping out diplomatic immunities altogether, in so far as they conflict with the new plans for more rigid prohibition enforcement.

STATE DEPARTMENT VICTIM

The United States Government is the principal victim, so far as the embarrassing aftermath of the liquor seizure is concerned. The State Department, which had nothing whatever to do with the incident, must now bear the brunt of unwelcome developments unless the diplomats charitably refrain from pressing the question. Judging by the past, the State Department will make no attempt to dispute the contention of the diplomats respecting their recognized immunities and will be only too glad to close the incident by expressions of regret and apologies, if such are called for.

Diplomatic immunity accorded to foreign envoys and their servants have never been disregarded since the foundation of the Republic, and they are based on accepted fundamental principles of international law and are uniform throughout the civilized world. They are found in the Revised Statutes dating back to 1790 in order to provide swift and severe punishment for anyone who violates them. But there has never been any suggestion that these laws can be ignored, altered, or changed at the caprice of the United States or any other government.

NO EFFORT TO FIX BLAME

In any event, it is conceded that America has no authority under international law to lay down a standard respecting diplomatic immunities applicable to foreign envoys in all countries. Consequently the State Department is virtually compelled to advise foreign governments that America has no intention of disregarding or violating accepted principles of international law. Even if it should be desired to withdraw America from the family of nations, and consequently obligations under international law, in order to better enforce prohibition, the State Department would have no authority to give force to this desire unless or until Congress should act, repeal the Revised Statutes respecting immunity for foreign diplomats, and legislate along new lines.

No attempt is being made to place blame on any particular person in connection with the seizure of the liquor destined for the Siamese Legation. The real blame appears to officials here to rest on a combination of unfortunate circumstances caused by efforts to apply the Jones Act in the new drive for prohibition enforcement. The detention of the liquor rather than the arrest of the two truck drivers forms the crux of the case, from the standpoint of the diplomats.

So far as the truck drivers are concerned, there is no question as to the right of the court here to take cognizance of their cases as soon as they were arrested. The legality or illegality of the arrest does not figure at all, in so far as the court's right to try the case is concerned. If the court has jurisdiction to try violations of the prohibition law, and if the court has custody of the persons arrested on the charge of violating this law, that is sufficient. The question of the illegality of the arrest would not come up until the Government sought to introduce evidence as to the violation. If the arrest is illegal, such evidence is illegally obtained and can not be offered, and the case drops as a matter of course.

But apparently the case is not going to be pressed, anyway. So the truck drivers are expected to fade more or less out of the picture.

With respect to the policeman who stopped the truck drivers and their liquor cargo, it is conceded that he was within his rights when he stopped the drivers upon reasonable suspicion that a felony was being committed, transportation of liquor, under the Jones Act, being a felony, now that the penalty may be more than a year in the penitentiary. Apparently the reason for the arrest of the truck drivers after the credentials of the third secretary of the Siamese Legation had been shown was due to the fact that no reliable instructions to cover such a case had been issued to the policeman.

In cases where diplomats have been arrested for speeding there was the same uncertainty some years ago. The State Department intervened on behalf of the diplomats, made apologies to the governments offended, and these incidents were closed. There then followed specific instructions to the police here and in Maryland and other States not to molest diplomats. But, with respect to the truck drivers, the policemen can hardly be expected to know whether or not they were violating the law when the officials here themselves remain uncertain on that score.

The Siamese liquor was detained at the station house, but the period of detention was brief, and the prohibition agent himself delivered the choice liquors later to the legation.

But the liquor was, nevertheless, detained to some extent after knowledge that it belonged to the Siamese Legation. The embarrassment and publicity incident to the case have also offended diplomatic sensibilities, and apology will be forthcoming from the United States unless the Siamese decide to charitably consider the incident closed on the basis of privately expressed regrets from American officials.

[From the Washington Post, Tuesday, March 19, 1929]

KELLOGG ASKS DATA ON SIAMESE LIQUOR—LAUNCHES INQUIRY ON HIS OWN INITIATIVE IN SEIZURE OF LEGATION BEVERAGE—APOLOGY SEEN AS LIKELY

By Albert W. Fox

Without waiting for formal protest from diplomatic quarters, Secretary of State Kellogg yesterday began an investigation of the half-serious, half-comical, but most perplexing international tangle created by the action of a Washington policeman on Friday in seizing a privately owned truck containing choice liquor consigned to the Siamese Legation here. It looks as if the complications over the incident may be just beginning and indicated developments may be summarized as follows:

First. The United States Government recognizes that it must express regret privately or apologize publicly if such action is called for, there being no semblance of a defense under international law or under American statutes for arbitrary interference with recognized diplomatic immunities.

Second. The foreign diplomats, under the leadership of Sir Esme Howard, the British ambassador and dean of the corps, will act in unison, either after a meeting or a series of consultations, and then take the matter up with the Government of the United States in order that there may be some guaranty against repetitions of the incident which involved the Legation of Siam.

Third. The Siamese Legation is anxious to avoid embarrassing the State Department, but many of the diplomats believe that a genuine service to the representatives of all foreign governments and to the State Department as well will be rendered by the Siamese if they press the present case to an issue and thereby clear the atmosphere of uncertainty.

Usually the State Department endeavors to smooth over international incidents as quietly and expeditiously as possible for the reason that public discussion is always likely to arouse public opinion in foreign countries and make bad matters worse. But in the present instance it is suggested that there would be compensating advantages for a policy of settling the issue raised in a direct and unmistakable manner. Fortunately, the Siamese case is not as serious as it might have been.

Seizure of liquor belonging to the British Embassy, for example, or to the Embassy of France or Germany, or some other leading power, might admittedly have far-reaching reverberations abroad, and the circumstances might be such that the United States would feel compelled to insist upon the rigors of the punishments provided by the Revised Statutes for interference with the goods and chattels of a diplomat or a servant in his household. Secretary Kellogg is understood to take the position that the statute covers goods such as were involved in the Siamese case. The charitable inclinations of the Siamese Legation are counted upon to avoid the embarrassment of seeking to apply the statute.

EMPLOY SAME METHODS

But the methods which the Siamese Legation followed were the same which other embassies and legations follow in bringing liquor into Washington, and it is frankly admitted that arbitrary interference by the United States would be a far more serious affair than is generally realized.

In Great Britain, in France, in Germany, in Italy, in Japan, and throughout the rest of the civilized world the American prohibition law is regarded in a distinctly humorous light, according to unanimous interpretation of sentiment in those countries. The comic papers draw much of their material from this isolated position which America has taken in the family of nations. From the international standpoint, America stands as the one dry nation while the rest of the civilized world follows its century-old customs and refuses to concede that any one nation has a monopoly on morality or wisdom because it adopts an isolated policy at variance with that of the rest of the world.

But none of the nations are willing to have America attempt to enforce her isolated policy on them, it is explained. Immediate British, French, or German resentment would follow any such attempt, it is added; and the humorous aspects of American prohibition would give way to determined protest, based chiefly on what is described as "international arrogance" of any nation which insists that the rights of all others must conform to her own conception. In short, when viewed in an international light, American prohibition has only the standing that goes with the right of any single sovereign state to follow its own whim or caprice, and it is conceded that no protest will lie so long as this caprice does not interfere with the rights of other nations. But arbitrary interference with diplomatic immunities is regarded as infringement of the recognized rights of other powers.

Mr. Kellogg's investigation necessarily involves humorous features, especially the check-up on methods employed by foreign governments in bringing liquor into Washington. The British bring their liquor in by truck load, but the trucks are closed like moving vans and the embassy seal protects the lock and permits none to examine the cargo. The Siamese are said to have hired the trucking company which they used after consulting with officials of the British Embassy.

The German Embassy brings its liquor in by open trucks and no efforts are made to disguise the consignments. The same holds true in many other cases. Diplomats have not been worried until Friday over action by the police, but they have been worried about the possible danger of hijackers. Some of the diplomats feel that widespread publicity, especially if coupled with suggestions that they have no legal right to transport the liquor, will increase the danger of hijackers. If this should prove justified, the United States Government would probably be compelled to provide armed guards to escort diplomatic liquor and guarantee its safe delivery. The United States Government is admittedly bound to see that such liquor is not interfered with even if it takes armed escorts to protect the sanctity of the laws protecting the goods and chattels of the diplomat.

JONES ACT THREAT WANES AS 91 FACE COURT AS "DRUNKS"—RUM APPARENTLY PLENTIFUL IN DISTRICT DURING THE WEEK-END—BUYERS AND SELLERS LOSING FEAR OF LAW—SEVERAL PLEAD GUILTY AND GET SENTENCES OR FINES FOR HAVING LIQUOR

Records at police court yesterday revealed not only evidence that liquor was plentiful over the week-end but also that the sellers and buyers of it have lost the fear which beset them when the Jones liquor felony law was enacted.

With the filing of 91 cases of intoxication and 17 charges of violations of the dry law, 10 of which were listed under the Jones law, court attachés experienced one of the busiest days since prohibition went into effect.

Seven of the accused Jones law violators were bound over to the grand jury by Judge Isaac R. Hitt, who allowed continuances in the other three cases.

HELD UNDER JONES LAW

The seven are Norman Goodwin, of 714 Morton Street NW., transportation and possession, $3,500 bail; Matilda di Dominico, 423 Eleventh Street NW., sale, $2,500 bail; Maud Hill (colored), 934 Third Street SW., third offense, sale, $2,000 bail; John Hansford (colored), 228 G Street NE., sale, $2,000 bail; Earl Glover, 1717 Oregon Avenue NW.; Bertha Brown, 4 Alexander's Court NW.; and Louise Grant, 8 Alexander's Court (all colored), transportation, $2,500 bail each.

Four persons pleaded guilty and two others were convicted of possession charges. They were subjected to severe penalties. John Thornton, 1533 Ninth Street NW.; Clara Croxton, 510 Second Street SW.; Elizabeth Wilson, 512 Second Street SW.; and Jack Brown, 104 Four-and-a-half Street SW (all colored), pleaded guilty and each was fined $100, with an alternative of 30 days in jail.

TWO MEN CONVICTED

Lawrence Miles (colored) was fined $100 or 30 days, and Fred Williams (colored), $200 or 60 days after trial on possession charges.

Arraignments were postponed in the cases of Ruth Landon (colored), charged with third-offense possession; George R. Kelly, 909 Fourth Street NW., charged with sale; and Albert Harper (colored), of Chain Bridge Road, charged with transportation.

An average fine of $10 with a few small jail sentences were meted out for convictions of intoxication by Judge Ralph Given.

[From the Greenville News, Greenville, S. C., Tuesday, March 19, 1929]

CAPITAL VEXED OVER SIAMESE LIQUOR ACTION—THREE MAJOR DEPARTMENTS TRYING TO SMOOTH OUT TECHNICALITIES ARISING—SEIZURE MADE FRIDAY BY WASHINGTON POLICE—OPINIONS ON STATUS OF MATTER BEING SOUGHT—POLICE ACTION UNWELCOME

WASHINGTON, March 18.—Three major departments of the Government took steps to-day to deal with the technicalities that have risen since the Friday seizure by the Washington police of 60 cases of diplomatic liquor consigned to the Siamese legation.

Immediately after the seizure and the delivery of the consignment to the legation by the police themselves, the situation was one of discussion only among the members of the diplomatic corps.

KELLOGG INVESTIGATES

With the announcement to-day, however, that Secretary Kellogg had decided to investigate the case, the possible ramifications of the whole question filtered at once into the Treasury Department and the Department of Justice and resulted elsewhere in a number of unofficial opinions.

The reaction to the continued interest in the case was different in each of the affected departments.

The Department of State declined to comment or even speculate on the matter. Some officials expressed the opinion that the department regarded the situation as one of the most embarrassing it has been called upon to face in a long time.

NOT WITHIN SCOPE

At the Treasury, Secretary Mellon said that the transportation of liquor for the embassy did not come within the scope of the law, because it was an act within the rights of the embassies, not illegal in any way.

A search of decisions of attorney generals disclosed an opinion by former Attorney General A. Mitchell Palmer to the then Secretary of State, Robert Lansing, in which he said:

"It is unlawful to cause intoxicating liquors to be transported from Baltimore, for instance, to Washington. I apprehend that one could not successfully defend against an indictment for such transportation by showing that the liquors transported were the goods and chattels of a foreign diplomatic representative."

MAY ASK OPINION

It is understood that Secretary Kellogg may ask an opinion of the Department of Justice in the present case to determine just what the diplomatic missions must do to have their liquors legally transported to their homes from any port of entry such as Baltimore.

Just what course the Secretary's investigation will take will not be discussed by department officials. It appeared, however, that the department was vexed by the interference by Washington police in a matter that has been running smoothly ever since prohibition came into effect.

LONG IMMUNE

Liquor intended for embassies and legations is immune both by Federal statute and common international custom, and some surprise has been manifested because liquor could be conveyed without molestation from ships at Baltimore, through the customs houses, and along the Maryland highway only to be interfered with when the limits of Washington are reached.

"CRIMINAL" DIPLOMATS

It's not Siamese twins, but Siamese liquor that's causing the latest excitement in the National Capital.

Somebody in the Prohibition Bureau seems to have decided to see what could be done about drying up the quarters of the diplomatic representatives of other countries that live in Washington, and the Siamese Legation was picked on for a test. So an ordinary traffic policeman and a prohibition agent made bold to stop a load of liquor that was being delivered to the Siamese quarters and arrested the driver for "transporting." They didn't seize the liquor, it appears, but when the driver comes up for trial the courts will be faced with a knotty little problem.

Anybody who transports liquor in this country it appears is violating the law. While the law permits the foreign diplomats to have their liquor, drink it and serve it, the prohibition authorities seem now to be making the claim that there is really no legal way by which they can get it to their places of abode. Any ordinary American who attempts to transport it from the docks for them is subject, they say, to arrest.

Of course, the diplomats themselves are immune from arrest for such offenses, and the hint seems to be gently thrown out that they might go down to the docks in person, load up the liquor, and drive the trucks home themselves and thus escape the American Volstead law. And perhaps it may come to the point where the ambassador from some European or South American country may have to excuse himself from some important international conference in order to act as chauffeur for a truck load of champagnes and other refreshments needful for the proper conduct of foreign diplomatic affairs.

Even then, however, say the prohibition spokesmen, these diplomats would be violating the law. True, they couldn't be arrested, but whenever they had an important engagement hauling their own liquor the country at large could make faces at them and charge them one and all with committing felonious crimes. So we are possibly headed for a situation in which the great majority of our diplomatic residents will automatically be classed among the unpunished "criminals," either for directly violating the law or conspiring thereto.

All this may seem far-fetched and strange, yet perhaps it is not more so than the ordinary operations of the prohibition law, which do not make it illegal for a citizen to purchase or consume, yet provide no legal means of performing these functions, rites, and activities, with the result that numerous citizens keep the industry alive and still are "law-abiding" as Mr. Hoover pertinently said.

[From the Charleston News and Courier, Charleston, S. C., Friday, March 15, 1929]

THE IMMUNE COAST GUARDSMAN AND HIS READY RIFLE

W. J. Matheson, having a residence near Miami on Biscayne Bay and property on Key Biscayne some miles across the bay, writes the New York Times in protest against the freedom with which the coast guardsmen, while in alleged search of rum runners, use their rifles. One of his launches, with high sides, painted white and "in no way resembling the type of craft used by rum runners," was returning from Key Biscayne, where two of his house guests, his daughter, granddaughter, her school friend, and a son-in-law had been on a picnic. The distance across is 6 miles and the launch had been making these trips for 10 years. The sun was bright, but the sea was rough, and the launch curtains were down.

Those in the launch heard explosions, but took them for back-firing of some other power craft. As Mr. Matheson's launch reached its landing a Coast Guard boat rushed up, and the launchman was reprimanded by the man in charge of the Government boat for not stopping when he "signaled." Five rifle shots had been fired. The launch was not hit. It might have been.

Mr. Matheson tells the Times that he called up the Miami Herald and asked "What could be done about it?" The Herald answered "Nothing," and that he should be thankful there had been no casualties.

"A year or two ago," states Mr. Matheson, "Mr. Belding, who was trying out his launch, was shot at and the launch hit, but fortunately no one was killed. Mr. Belding took the trouble to go to Washington to complain about it, but was informed that the Coast Guard boats had a perfect right to shoot at any boat that they saw fit."

The gentleman concludes his letter with the following somewhat pathetic question: "The query is, What can I do to prevent my children and grandchildren and their friends from being shot at in going to and from my house on the mainland and my property on Key Biscayne across the bay?"

Echo answers.

The Central Government is not responsible to mere citizens. Outrageous things may be done and there is no redress. An irresponsible, uncommissioned man in command of an armed boat may fire upon a party such as that described by Mr. Matheson and go free, regardless of results. All he has to say is that he suspected it of being a rum runner or that it appeared to him as "suspicious." There may be no reason backing his suspicion.

The Government does not see that such practices make enemies for the law instead of friends. Nor do those favoring a 5-year penitentiary sentence for violation of the Volstead law understand that such excessive penalties must surely result in juries refusing to convict. Maybe reason will have a show some day.

[From the News and Courier, Charleston, S. C., March 20, 1929]

MORE DIPLOMATIC RUM DUE, CAPITAL MUST ACT QUICKLY

WASHINGTON, March 19.—Officials of the State Department found new worries over the question of diplomatic liquors to-day after it became known that several more shipments consigned to foreign missions in Washington are either on the high seas or at foreign docks awaiting shipment to Baltimore.

Equally troubled over the shipments the legations to which they are consigned wondered just what they must do to get the liquor into Washington from the port of entry. The legations, to get their liquors to the Capital, may have to resort to the one means now recognized as not falling under the prohibitions against transportation under the dry

laws—that of loading it themselves in Baltimore, hauling it to Washington in their own conveyances, and unloading themselves.

Ever since the Washington police seized a shipment of 60 cases of liquor consigned to the Siamese legation last week private trucking companies which had previously transported liquors for the legations have been careful not to accept any such contracts pending some decision in the case against the driver and his helper involved in the Siamese seizure.

The suggestion made several days ago that the foreign missions here might pool together and purchase a truck, which would be immune from seizure since it would be owned by the foreign missions themselves, appeared to be the most acceptable solution so far offered in the situation. Several of the more conservative diplomats are known, however, to have voiced objections to a plan which would put the missions "into private business," as they expressed it.

Sir Esme Howard, the British ambassador, as dean of the diplomatic corps, has conferred with State Department officials in an effort to straighten out the tangle of technicalities and contradictory opinions which have cropped up since the seizure. Nothing, however, has been disclosed as to their discussion.

It was the opinion in a number of quarters to-day that the American Government would express "regrets" to the Siamese legation over the incident, but it was doubted that the State Department would feel called upon to give any "profound apology," as had been suggested.

[From The State, Columbia, S. C., Tuesday morning, March 19, 1929]

CAPITAL POLICE UPSET KELLOGG—SEIZURE OF EMBASSY LIQUOR EMBARRASSING—LAW AND USAGE—STATE DEPARTMENT TO INVESTIGATE CASE TOUCHING CLOSELY DIPLOMATIC CORPS

WASHINGTON, March 18.—Three major departments of the Government took steps to-day to deal with the technicalities that have risen since the Friday seizure by the Washington police of 60 cases of diplomatic liquor consigned to the Siamese Legation.

Immediately after the seizure and the delivery of the consignment to the legation by the police themselves, the situation was one of discussion only among the members of the diplomatic corps.

With the announcement to-day, however, that Secretary Kellogg had decided to investigate the case, the possible ramifications of the whole question filtered at once into the Treasury Department and the Department of Justice and resulted elsewhere in a number of unofficial opinions.

The reaction to the continued interest in the case was different in each of the affected departments.

The Department of State declined to comment or even speculate on the matter. Some officials expressed the opinion that the department regarded the situation as one of the most embarrassing it had been called upon to face in a long time.

At the Treasury, Secretary Mellon said the transportation of liquor for the embassy did not come within the scope of the law because it was an act within the rights of the embassies, not illegal in any way.

PALMER QUOTED

A search of decisions of Attorney Generals disclosed an opinion by former Attorney General A. Mitchell Palmer to the then Secretary of State Robert Lansing, in which he said:

"It is unlawful to cause intoxicating liquors to be transported from Baltimore, for instance, to Washington. I apprehend that one could not successfully defend against an indictment for such transportation by showing that the liquors transported were the goods and chattels of a foreign diplomatic representative."

It is understood that Secretary Kellogg may ask an opinion of the Department of Justice in the present case to determine just what the diplomatic missions must do to have their liquors legally transported to their homes from any port of entry, such as Baltimore.

The district attorney, Rover, of the District of Columbia, conferred to-day with parties interested in the seizure and asserted later there would be nothing to say for several days.

Secretary Kellogg conferred with Miss Margaret V. Bennett, "liquor expert" of the State Department; Green Mackworth, solicitor general of the department; James Dunn, head of the protocol division.

KELLOGG PEEVED

Just what course the Secretary's investigation would take would not be discussed by department officials. It appeared, however, that the department was vexed by the interference by Washington police in a matter that had been running smoothly ever since prohibition came into effect.

Liquor intended for embassies and legations is immune both by Federal statute and common international custom, and some surprise has been manifested because liquor could be conveyed without molestation from ships in Baltimore, through the customhouses, and along the Maryland highway only to be interfered with when the limits of Washington were reached.

Officials of the State Department feel it is their duty to protect the interests of the diplomatic corps, and, placed between their duty and a desire to put no obstacle in the way of prohibition enforcement, department officials are seeking a way out.

A suggestion has been advanced that failure of this Government to insure safe delivery of diplomatic liquor might result in wholesale hijacking and that an even more serious situation would result if foreign missions protested against such violence.

The theory has been brought forward that the best way around the question would be for the United States Government to provide a detachment of marines or other guards to accompany diplomatic liquor.

[From the Evening Star, Washington, D. C., Friday, March 22, 1929]

ENVOYS MUST GO WITH RUM TRUCKS, TREASURY RULES—OWNERSHIP OF VEHICLES IS DECLARED NOT ESSENTIAL, HOWEVER—DIPLOMATS MAY IMPORT LIQUOR FOR OWN USE—ORDERS ISSUED TO PREVENT INTERFERENCE WITH EMBASSY BEVERAGES, ASSISTANT SECRETARY CONFIRMS

The Treasury issued an order to-day setting forth that diplomats here may import liquor for their personal use without interference by police or other authorities, but that the trucks bringing it to Washington from Baltimore must be accompanied by a diplomat bearing proper credentials.

Seymour Lowman, Assistant Secretary of the Treasury, confirmed to-day that the orders have been issued to prevent interference with diplomatic liquor, although the Treasury maintains that under the law diplomats do not have the right to transport liquor, even though their personal effects are not subject to interference under the laws of the United States. Any peace officer who arrests a diplomat after he has been properly identified while transporting liquor or who disturbs the liquor would be liable to severe penalties under the laws regarding diplomatic immunity.

MUST COME BY BALTIMORE

Under the regulations, all diplomatic liquor for Washington must come through the port of Baltimore. Through applications to the State Department, the diplomats involved will be provided with the necessary credentials through the Treasury Department to pass the liquor through the customs duty free and to identify the shipments if police should attempt to interfere.

Heretofore Mr. Lowman said the chief trouble experienced was due to the fact that peace officers who stopped liquor shipments had no way of identifying the diplomat or the liquor.

DIPLOMAT MUST GO ALONG

The Treasury's order stipulates that some person having diplomatic status must accompany the liquor trucks between Baltimore and Washington and that a servant will not suffice. The officials take the stand that, while the head of an embassy or legation need not accompany the liquor, some person connected with the embassy having diplomatic credentials must accompany it.

Ownership of the transporting truck was held to be not essential.

CLIMAXED BY SEIZURE

The diplomatic liquor situation, often a perplexing one here, came to its newest climax with the recent stopping by the Washington police of 60 cases of liquor assigned to the Siamese embassy. The liquor was seized by the police but returned as soon as it was properly identified. Two weeks before a consignment of liquor to the French embassy also was stopped. That shipment was ordered sent to the embassy as soon as Secretary Mellon heard of the seizure.

[From the Washington Post, Saturday, March 23, 1929]

UNITED STATES GRANTS RUM FOR DIPLOMATS RIGHT OF TRANSIT—ENVOYS PLEASED BY ORDERS OF TREASURY, INDORSED BY STATE OFFICIALS

By Albert W. Fox

Diplomatic liquor has come off victorious in unrestricted and unhampered transit from seaboard to the various embassies and legations here. Action taken here yesterday by the United States Government has removed future obstacles, such as occurred last week, when a truck load of choice liquor consigned to the Siamese Legation was held up by a Washington policeman, who diverted the liquor to the station house and arrested the two drivers.

Definite instructions were issued yesterday by the Government of the United States to prohibition officers, policemen, and others, directing them not to molest diplomatic liquor in the future when accompanied by a properly accredited diplomat, and warning them of the "severe penalties" under the law which can be imposed for violation of the immunities of diplomats. At the same time arrangements are prescribed in the Government directions to protect the diplomat from future molestation and to protect the liquor during the course of its transit.

EVERYBODY INVOLVED SATISFIED

The Government directions came as a matter of course through the Treasury Department, which has direct charge of the liquor arrivals

in the United States. The State Department is understood to fully concur in the arrangements.

Diplomats, some of whom are expecting shipments of choice liquors in the near future, are understood to be satisfied.

Charges against the two truck drivers arrested last week will be dropped.

There is no attempt made in the Government directions to solve the difficult legal problems involved. The United States Government does not admit the legal right of anyone to transport liquor in the United States and states, in effect, that no such right exists in so far as the liquor laws of the country are concerned; but the immunity of the diplomat is placed on a higher plane than enforcement, or attempted enforcement of prohibition laws.

DIRECTIONS OF GOVERNMENT

The directions issued by the Government yesterday include the following:

"The laws of the United States forbid the transportation of intoxicating liquors except in certain specific instances named in the act. No permit may be lawfully issued for the transportation of intoxicating liquors by a diplomat under the liquor law.

"However, under other statutes, the person and property of a diplomat may not be disturbed or molested. All intoxicating liquors being brought into the country by diplomats located in Washington should be imported through the port of Baltimore.

"At the time of the delivery of the liquor, the collector of customs at Baltimore will give such diplomat a copy of the Treasury Department order admitting the liquor free of duty, which order will perfectly describe the liquors being imported, the ship and date on which they arrived, and the diplomat to whom consigned. This order will identify the particular shipment of liquor as being diplomatic and for the use of the diplomat importing the same.

DIPLOMAT MUST HAVE CERTIFICATES

"With the liquor in his physical possession at Baltimore, the diplomat will then have in his possession the certificate from the Department of State, certifying his identity, and the copy of the order of the Treasury Department to the collector of customs to admit the liquor free of duty. This will enable the diplomat to identify both himself and the liquor in his possession at any time when requested by a peace officer, and as he is immune from arrest or interference with his personal effects under the laws of the United States, any peace officer who arrests him after he has been properly identified, or who disturbs the liquor, the diplomatic nature of which is disclosed by the Treasury Department order admitting the liquor free of duty, would be liable to severe penalties under the laws of the United States.

"The liquor should be taken direct to the embassy, and the order issued by the Treasury Department granting free entry should be mailed at once to the Collector of Customs, Baltimore, Md.

"The ownership of the vehicle is not important. Physical possession of the liquor by the diplomat and his status as such makes the person and liquor immune."

[From the Washington Post, Monday, March 25, 1929]

DIPLOMATIC LIQUOR

The diplomatic liquor issue was officially ended Friday with the issuance of specific instructions by the Treasury Department governing the importation of liquor by embassies and legations and enjoining anyone against interfering with such liquor shipments. The order brought to a climax the situation precipitated when Washington police seized a consignment of liquors destined for the Siamese Legation, arresting two trucks drivers who had been hired to transport the shipment from Baltimore to Washington.

The new instructions point out that the transportation of liquor by anyone in the United States is illegal, but they say further that other laws give envoys the right to import liquor as property. The order specifies that all diplomatic liquor be shipped via Baltimore, where it will be admitted duty free and turned over to the envoy or his accredited representative. The representative receiving the liquor is expected to accompany it to Washington in the truck, holding himself in readiness to produce the documents authorizing the shipment to anyone who may request them. "The ownership to the truck in which the shipment is made," says the order, "is not important. Physical possession of the liquor by the diplomat and his status as such makes the person and liquor immune."

The order makes clear the fact that diplomatic liquor is not an unlawful commodity. In this light, therefore, should a diplomat choose to ignore the Treasury regulations governing importation, he is at perfect liberty to do so. Diplomats can import liquor through San Francisco, New Orleans, Canada, or New York; they can ship the importation to Washington via truck or train, and they or their representatives are under no compulsion to accompany the shipment. Diplomatic liquor is as lawful as a case of books, and diplomats are not bound to follow any specific regulations in its importation. But the diplomatic corps, as a matter of courtesy, will conform to the regulations laid down by the Treasury. The order issued on Friday, however, is not a law.

[From the Washington Post, Sunday, March 31, 1929]

CARGO OF RUM IS SAFELY SENT TO SIX ENVOYS—HUGE VANS BRING SUPPLY, WITHOUT HINDRANCE BY ANYONE—AMOUNT ESTIMATED AT 1,369,000 DRINKS—DIPLOMATS OF FOREIGN NATIONS COMPLY STRICTLY WITH NEW REGULATIONS

Real whisky yesterday flowed into the National Capital, unchecked by police or prohibition officials.

It was with a sigh of relief, too, that the expectant diplomatic officials greeted the big parade of huge vans which lumbered over the roads from Baltimore into Washington with one of the largest consignments of "embassy stuff" ever shipped to the National Capital.

Saturday is usually observed as a holiday in Washington's diplomatic circles, but yesterday was different, at least at the British, Brazilian, and German Embassies and at the legations of Costa Rica, Bolivia, and Nicaragua, where eager-eyed attachés superintended the unloading and distribution of enough whisky and wines to moisten the mouths of 1,369,200 persons with 2 ounces of drink.

The same scene as that enacted yesterday afternoon at the above-named embassies and legations will be repeated early this week at the Japanese Embassy and the Albania Legation, whose officials yesterday failed to send to Baltimore for their Easter consignment, which came over on the steamship *Maryland*, of the Atlantic Transport Line.

SPEEDING CHECKS ONE TRUCK

But one unlooked-for incident marred the big parade of heavily loaded whisky trucks. As the van carrying the British Embassy consignment entered the District of Columbia its driver was hailed by Policeman John Scherring, who discovered the liquor, examined carefully the credentials of the attaché riding with the driver, and then waved it on after "bawling out" the driver for speeding.

Although Federal officials ordered a "hands-off" policy in connection with the importation of the diplomatic liquor, they watched with care the tactics of the recipients to see that the new regulations governing the importation of diplomatic liquors was adhered to strictly.

Their zealousness was quite unnecessary, it appeared, as the recent seizure of a consignment of choice whisky and wines to the Siamese Legation was still fresh in the minds of the officials to whom the Easter supply was consigned, and great care was taken by them to see that the new regulations were complied with.

ELABORATE REGULATIONS NOW

Under the new regulations, an accredited representative of an embassy must go to the port of entry with elaborately documented credentials, make peace with a young army of port officials, dry agents, and police, supervise the loading of the whisky, and then accompany it to its destination.

In this manner 19 bales of choice wines and liquors, each bale containing 5 cases, were brought to the British Embassy, 11 bales were delivered to the Nicaraguans, 5 to the Bolivians, 10 to the Brazilians, and the same number to the Costa Rican Legation.

The largest consignment went to the German Embassy. Fifty-two bales of choice liquors were admitted to the Germans. The Japanese supply of 39 bales and the 6 bales for the Albanians will be called for within a few days, it was said.

The total value of the "wet goods" was estimated at approximately $50,000, at moderate bootleg prices.

EMBASSIES SILENT ON AMOUNTS

As a result of the embarrassment which has been the lot of several diplomats recently in their importation of liquors and due to the fact that the observance of Lent ended last midnight, officials at the embassies and legations receiving yesterday's shipments were reluctant, in most cases, to divulge the amount of liquor received.

The Bolivians, however, were frank to admit their small consignment was "due to the fact that excessive drinking is not indulged in by representatives of Bolivia" in Washington.

Dr. Manuel Castro Quesada, Costa Rican Minister, said the legation received only its normal supply and that no difficulty had been experienced in bringing it to Washington.

At the Germany Embassy, however, to which the largest consignment of wines and liquors was to be delivered, attachés confessed complete ignorance of the fact that any wet goods even had been ordered. The twinkle in their eyes and their gleam of satisfaction as the whisky and wines were discussed, belied their professed ignorance of its whereabouts, however.

[From the Washington Star, April 2, 1929]

EMBASSY LIQUOR ON DOCKS GUARDED AFTER PUBLICITY

(By the Associated Press)

BALTIMORE, April 2.—Publicity directing attention to liquor shipments for foreign embassies and legations at Washington, resulting

from recent interference with one shipment and consequent new arrangements for making such shipments through this port, led to-day to placing a special guard around the Government warehouse here.

In the warehouse are about 200 packages of liquor, waiting to be called for by representatives of the Bolivian, Albanian, Costa Rican, and Nicaraguan Legations and the Japanese Embassy. Previous shipments through Baltimore had not attracted such wide attention, John A. Janetzke, jr., Government appraiser, said, explaining the posting of the guard.

TROUBLESOME PROBLEM INVOLVED IN DIPLOMATIC LIQUOR SUPPLY

Diplomatic liquor and the trouble it is causing official Washington lead the press into a discussion which reflects widely varying opinions, ranging from belief at one hand that serious international complications may result from useless infringement upon diplomatic immunities to insistence at the other extreme that the foreign guests of the Government should not and will not expect their privileges to be stretched to cover persistent violation of the fundamental law of a country to which they are accredited.

"The original intent of diplomatic immunity," in the judgment of the Columbus Evening Dispatch, "was to protect foreign representatives from suffering wrong, not to shelter them in committing wrong. It is accompanied by the corresponding international right of any country, at any time, to decide that any given foreign representative is 'persona non grata' and to demand his recall. * * * The idea that our relations with other countries may be seriously imperiled by our objection to abuses of diplomatic immunity, such as injuring pedestrians by reckless driving, for example, is without foundation."

"While Mr. Hughes was Secretary of State," recalls the Lexington Leader, "the apartments of a secretary of the Polish Legation were raided. The Secretary apologized for the unwarranted intrusion, but he called attention to the fact that the Government agents found an excessive quantity of liquors, and the Secretary was very promptly recalled to Warsaw and returned no more." The Sioux Falls Daily Argus-Leader feels that "there is such a thing as being too polite" in considering such matters as "too delicate for intervention," and expresses the conviction that "this evil may be checked."

"To interfere with their personal supplies in transit," insists the St. Louis Globe-Democrat, however, "is plainly a violation of international law, and if not stopped would occasion serious and justified protests from other governments, embarrassing to our Government and hurtful to our interests. Such seizures can not possibly help prohibition enforcement, and can but add to its difficulties."

As to the method of transporting and the safeguards needed, the Fort Wayne News-Sentinel remarks: "The international provision which makes the United States Government responsible for the safe conduct of foreign diplomats and their possessions may be invoked if hi-jackers prey on liquor trucks owned and also operated by foreign subjects dispatched to our shores in the diplomatic service."

"Such gargantuan thirsts as the diplomats apparently possess simply do not exist," exclaims the Grand Rapids Press, enforcing its opinion with the record that "one intercepted truck load for an exotic little legation brings 1,440 bottles, or at the rate of about 400 bottles for each member of the mission, and this as one of the frequent and regular shipments. It would appear that the truck drivers have been using the password, 'Diplomatic liquor,' to run in private supplies."

"The carefully observed diplomatic immunity which pretty much all persons connected with any of the legations and embassies enjoy," according to the Norfolk Ledger-Dispatch, "unquestionably offers tempting opportunities to men who are not always able to withstand temptation. In such cases, the ministers and ambassadors and their secretaries have no part whatever in the unlawful business carried on by their underlings. More than that, the liquor which the underlings dispense is frequently not legation liquor at all, but is ordinary American stuff of the kind purveyed by bootleggers everywhere."

"The first-class powers are very circumspect," in the opinion of the Kansas City Journal-Post, "and their representatives are instructed not to do anything, even within their clear international rights, which might be offensive to the Government or the people of the United States. This has not been the policy of all the persons attached to the minor embassies, however, whatever the instructions of their home governments. It is a common thing in Washington for bootleggers to boast that they are selling stuff procured at various embassies. Bootleggers may lie about this, of course, but there are competent judges who incline to the belief that they are occasionally telling the truth."

"If and when the city of Washington is dried up—if and when Americans prominent in governmental, business, and social circles at the Capital set the example—the members of the diplomatic corps may reasonably be expected to waive their rights," advises the Philadelphia Evening Bulletin, referring to the argument that "as a matter of courtesy, diplomatic representatives coming to these shores should be willing to forego the enjoyment of special privilege with regard to intoxicants and comply with the laws of the country in which they are guests." But the Bulletin adds, "The weakness of this argument is that when the diplomats look about them they do not notice any particular aridity."

"This is a dry country," says the Terre Haute Star, "but many of its supposedly great ones apparently are glad once in a while to seek the springs of the oases. They do not have to travel far in Washington to find them." The Cleveland News thinks that "though loyal Americans should detect nothing comical in this case, perhaps the diplomats can get a compensatory laugh out of a Government perfectly willing to let them go on drinking, but decidedly fussy as to how they get their drinks."

An emphatic opposition view comes from the Los Angeles Evening Express in the statement: "The people have never consented to exceptions to the application of the prohibition law. They have meant it to apply equally to all parts of the country and to all persons within the country. Such is the American ideal and idea of law. It is the conception that all men are equal under the law, that there may be no exceptions and immunities. Diplomats who get that point of view and act upon it will be the best representatives of their own countries."

[From the Washington Post, Wednesday, April 3, 1929]

POLICE WATCH IDLY AS LEGAL RUM ROLLS IN—REPORTER RIDES LEGATION LOAD FROM BALTIMORE TO CAPITAL—PATROLMEN PASSED PAY NO ATTENTION—HOW THE NEW REGULATIONS ARE METICULOUSLY COMPLIED WITH—ONE SCOTCH BOTTLE BROKEN; NOT WASTED—CAPTAIN AND SECRETARY HERE RECEIVE—AND ACCEPT—INVITATION TO "CALL"

(Louis Jay Heath, of the Washington Bureau of the United Press, rode yesterday from Washington to Baltimore and back to the Capital in an embassy car, bringing a consignment of diplomatic liquor. In the following story, he explains in detail just how foreign diplomats now go about getting their liquor under strict regulations recently instituted, which require that an authorized diplomatic attaché accompany the consignment. Recently a consignment for the Siamese Legation was seized by local police, but released. The new regulations followed this episode. Heath is the first newspaper man to witness the procedure.)

By Louis Jay Heath, United Press staff correspondent

As the guest of a foreign diplomat I rode a diplomatic liquor car yesterday from Baltimore to Washington and was given an opportunity to observe at first hand just what being a foreign diplomat accredited to these prohibition United States means in terms of hard labor. I was permitted to watch the procedure at customhouse and warehouse under the new rules recently promulgated by the Treasury Department to insure diplomatic immunity since the passage of the Jones "five and 10 law," and sat beside the diplomat while he brought the load through.

With 180 quarts of Scotch whisky, London gin, Italian vermouth, and rare old sherry stowed away under green blankets in the tonneau of a diplomatic car, we rolled slowly through the congested traffic of Baltimore to the accompaniment of a million gurgles. Washington was 40 miles away, a 40-mile gamut of bootleggers, hijackers, and police.

If the United Press correspondent, the first newspaper man to ride a load of embassy liquor from Baltimore to the Capital, was nervous, the diplomat at the wheel showed no signs of strain.

CIGAR DID NO HARM

"No one will stop us," the smiling envoy declared as he piloted the load around a lumbering truck on East Pratt Street within 3 feet of a stalwart traffic policeman.

"We look too respectable to be molested. That is why I drove my own car rather than a truck. After the recent experiences of the Siamese, British, and Germans with police and photographers a truck has become too conspicuous for comfort."

The beginning of our journey was auspicious despite the fact that Government red tape and necessary precautions in this prohibition land had delayed the start more than an hour and a half. It was 10.30 when we backed the diplomat's car up to low, squat United States Storehouse No. 1 at East Lombard and Gay Streets, Baltimore.

The gray-haired customs official behind the barred window was most gracious. He received the diplomat's credentials with a greeting which lost no warmth because of the 40-cent cigar that rode in under the grating on the top of the official red-sealed State Department note establishing the envoy's diplomatic immunity status. Accompanying the note was the yellow ship's manifest showing that five bales of liquor were consigned to the bearer.

WITHDRAWAL FORMALITY BEGINS

A leisurely search of desk files revealed the necessary duplicate certificate from the Treasury Department which had been forwarded to the collector of customs when the diplomat filed his request with the State Department for permission to obtain his consignment.

Twelve minutes were consumed by the acting collector of customs in examining the necessary documents, making notations, and signing papers. The identification papers were returned to the bearer, together with a copy of the Treasury Department's letter certifying that "at the instance of the State Department you are hereby au-

thorized to permit the duly accredited representative of the ——— Legation to take into his custody without payment of duty the following shipment of wines and liquors:

"Number of cases, five bales.

"Addressed to ———.

"For personal use of Mr. ———.

"Name of vessel, *Maryland.*"

Duly signed by F. J. Murphy, Acting Deputy Commissioner of Customs.

Then followed a trip to the window of the acting deputy comptroller of customs, where there was more formality.

Back to the warehouse again. The storekeeper received the papers with apparent relief.

"Are you going to take the entire shipment?" he asked.

"No," said the diplomat, "I drove my own car. I can only take three bales. I will be after the remainder later."

"Why don't you take it all?"

"I haven't room."

The old storekeeper regretfully shook his head.

"You seem to want to get this stuff out of here," I suggested.

"I certainly do," he replied. "This diplomatic liquor worries me. There are too many bootleggers in this town, and if they make up their minds to get this liquor in store here they are going to do it."

"Does it make you thirsty, too?" I asked.

His eyes twinkled.

"I am not a dry Congressman," he replied.

"We will have to open these bales and repack some of the contents in suit cases," the diplomat announced, peeling off his overcoat and hat.

Two grinning negroes armed with hammers, hatchets, and nail pullers appeared as if by magic out of nowhere. They fell upon the burlap covering of the first bale without further instructions, rent it from top to bottom, and stripped it off, revealing five wooden cases of Scotch whiskey of 12 quarts each, stacked one upon the other and bound with band-iron hoops.

SPILT SCOTCH RETRIEVED

Hatless and coatless the diplomat worked with the huskies. As the bottles were passed to him he packed them carefully in the waiting suit cases. Before the third case was filled perspiration beaded the brows of all.

Then the first accident happened.

The negroes worked too rapidly for the perspiring envoy. They began to place the bottles on the stone floor. One slipped, the bottle of Scotch hit the stone floor. There was a sharp clink. A thin stream began to flow across the warehouse floor.

Two negroes forgot their work. Hammers and hatchets fell with a clang.

"Oh, boy! Dat's busted."

One negro produced a tin tomato can. The other scurried off to return a moment later with an empty milk bottle. The broken bottle was placed neck down in the tin can and propped carefully against a near-by case to drain into the container. The huskies resumed their work. There were no expressions of regret over the accident.

A truck driver who had driven many a load of diplomatic liquor into Washington dropped by to watch the procedure.

POLICE PAY NO ATTENTION

"You won't have any trouble now," he predicted, "since the Siamese liquor was held up by the Washington police and the new rules issued, everything is 'jake.' No trouble. Every cop along the way has been told to lay off."

In an hour and a half we were on our way, the tonneau piled full of wooden cases and covered with blankets, leaving a clear way for the diplomat to see through the rear window, where a watch might be kept on the road behind.

It was noon when we left Baltimore, crawling down South Gay Street, with warehouse employees waving us good-by, into the dense traffic of East Pratt. One block away, at Light Street, we encountered our first policeman directing traffic. We passed unnoticed. At every street intersection on the route out there was another officer. I counted nine policemen before we rolled out into the Washington Boulevard and pointed our course toward the Capital. They paid no attention to our passing.

Every speed sign along the way was scrupulously observed by my diplomatic host.

"I never speed," he volunteered. "It attracts attention. I do not carry diplomatic tags on this car, either, for the same reason."

We passed four Maryland State policemen on the 40-mile run to Washington. None of them gave us even a passing glance.

COURTEOUS INVITATION ACCEPTED

We entered Washington by the "back door" and proceeded to the envoy's home. We met one motor-cycle policeman cruising along Monroe Street. He did not see us. We met no more in the journey across town.

We parked for 10 minutes in the northwest section.

"I will give you a thrill now," said the diplomat, "by leaving you alone in charge of the load while I telephone."

He did. A policeman strolled past swinging his billy. He was interested in a housemaid sweeping steps across the street. He did not look at me.

The diplomat returned. We continued our uneventful journey, arriving safely at our destination. By 2 o'clock the last case was unloaded.

The final thrill came as the last case was being placed on a hand truck. A police captain, accompanied by a sergeant, appeared suddenly upon the scene. They read the labels on the boxes. The diplomat introduced himself.

"Come in and see me some time," said the diplomat.

"We'll do that little thing," replied the enforcers of the Jones law, patting a case of gin caressingly.

"And they will, too," said my genial host as I bade him good-by with many thanks for the "rum-cart ride."

[From the Washington Star, April 4, 1929]

STATE AGAINST LIQUOR, HE SAYS; CALLS JONES LAW DANGEROUS

Among the politically dry but personally wet Members of Congress, much criticized since the Morgan and Michaelson cases became public property, there is one against whom the charge of hypocrisy can not be justly directed.

He is Senator COLE BLEASE, Democrat, South Carolina, who has repeatedly told the Senate, his constituents, and the world that he drinks and enjoys it himself but votes for all dry legislation because his people want him to.

"My position has not changed," Senator BLEASE told the United Press to-night. "I still drink occasionally, and everyone in South Carolina knows it, but I voted for prohibition because I represent people who believe in it.

"If we pass enough drastic laws to enforce prohibition, the whole thing will be repealed.

"I know these young people. They're drinking too much and having too good a time to stand for prohibition if it is really enforced."

Senator BLEASE is unique among Senators in his prohibition stand. There are a few who vote wet and admit wet and admit drinking. There are also some who vote dry and drink themselves, according to their colleagues, but there is no one else who votes dry, drinks himself, and admits it publicly.

"There is no inconsistency in my position," Senator BLEASE continued. "This is a representative government, and I do not presume to place my own views above the views of the people I represent.

"I am careful not to violate the law. Any public man should obey the laws as an example to private citizens. But it is not a violation of the law to take a drink. If I were to transport liquor or buy it I would be violating the law, and I won't do that.

"For example, I have just come from home, where they make the best corn liquor in the world. But I didn't bring any with me, and you couldn't find any in my office or in my home right now.

"In fact, you would never find any in my home, because Mrs. Blease is a real prohibitionist. She won't have it around.

"If some friend of mine should invite me to have a drink in his home to-night—well, that would be different."

BLEASE said he believed there is less drinking now among his colleagues than there used to be, but that there is undoubtedly still some. He agrees with former Senator Reed, Democrat, of Missouri, that those who vote dry and live wet are hypocrites of the worst order unless they confess it.

The South Carolina Senator expects the Jones law not only to fail of its purpose but to cause violence and bloodshed in its operations, he said.

JONES LAW WILL FAIL

"A bootlegger caught red-handed, knowing that the penalty under this law is as drastic as he might expect for manslaughter in some States, is going to shoot rather than submit to arrest," BLEASE said. "When he could merely get bond and a light fine, he was not so desperate.

"I predict more violence in prohibition enforcement under this law than we have ever seen before, bad as some of the incidents have been."

As a practicing criminal lawyer for more than 40 years, mayor of two cities, and Governor of South Carolina, BLEASE has had long experience with law enforcement. During most of his public career South Carolina operated a State liquor dispensary and outlawed saloons.

"The trouble with prohibition enforcement is the meanness it leads to," he said. "Some of these fanatical prohibitionists would stop at nothing in enforcing their law. Civil liberties mean nothing to them.

"As mayor and governor I always told my policemen and prohibition agents to make arrests only when they could get their evidence fairly. There was no snooping. And I believe anyone in South Carolina will tell you the law was as well enforced under mine as any other administration before or since.

NEED HUMAN KINDNESS

"As mayor I used to instruct my policemen never to arrest a drunk unless he became obstreperous. 'The thing to do is to take him home

and put him to bed,' I always told them. 'The town isn't big and it won't be far.'

"That's what we need in prohibition enforcement—more human kindness. I try to look at this problem from a humane point of view. There will always be drinkers and any drinking man sometimes gets drunk in spite of himself."

BLEASE said he was particularly pleased with the Treasury Department's recent order for a record of all embassy liquor importations. He is a tireless critic of the system which permits foreign representatives in Washington to have all the liquor they desire and to serve it at their parties.

"This order is a step in the right direction," he said, "but I believe foreign nations should respect our laws to the extent of ordering their diplomats not to import liquor.

"I like the attitude of General Foch when he was in this country. He refused wine here because he wanted to obey our laws while he was with us."

[From Time, April 8, 1929]

PROHIBITION

DRINKS FOR DRYS

Smuggling liquor into the United States tempts alien 'leggers and United States Congressmen alike. Their purpose is the same, their methods different.

To high Government officers returning from "official missions" abroad the Treasury grants "free entry" through the customs barrier. "Free entry" luggage is passed without inspection at the pier. Many a Congressman during recesses of Congress goes to Panama (wet) for a vacation, pretending to make an official study of the Canal Zone, and thus becomes eligible for "free entry" on return.

In December, 1927, Congressman M. ALFRED MICHAELSON, of Chicago, born 51 years ago in Norway, once a school-teacher, now a William ("Big Bill") Hale Thompson political supporter, asked for and received "free entry" for a trip to Panama. In January, 1928, he reentered the United States through Key West, his six trunks passing without inspection by customs agents. At the Jacksonville Railroad station a baggageman traced a liquor trickle to a broken bottle in one of these trunks. Federal agents seized the trunks, removed the liquor, shipped them to Washington where, upon claiming them, their owner was identified.

Last October the Federal grand jury in Florida returned a secret indictment against Congressman MICHAELSON, charging him with illegally importing "6 quarts of John Haig whisky, 2 quarts of crême de menthe liquor, 1 quart of taffel Akavait, 1 quart of crême de cacao, 1 quart of cherry brandy, and 1 keg of plum Barbaucourt." In November, Congressman MICHAELSON was elected to the House for the fifth time. Last February he voted for the five and ten (Jones) law as commanded by the Anti-Saloon League. Last week a warrant was out for his arrest on the Florida indictment. Bond was set at $2,000. But for three days Congressman MICHAELSON played a hide-and-seek game with United States marshals. He spent a lonely Easter and the next day gave himself up.

Last week the Government-owned S. S. *Cristobal* brought back to Manhattan from Panama 23 junketing Congressmen and Senators. One of these was Representative WILLIAM M. MORGAN, of Newark, Ohio, merchant, farmer, implacable prohibitor. On the pier Customs Inspector L. E. Crawford began to go through the Morgan hand baggage. Thereafter Inspector Crawford gave this version of events:

The inspector asked the Congressman if he had any liquor. The Congressman replied that he had four bottles of whisky, but as he was a Government official returning from an official mission he could not be stopped. The inspector dipped into one bag and brought up four bottles which he set conspicuously upon a packing case. Customs Inspector James McCabe, working near by, witnessed the incident, saw the bottles. The Congressman went to a telephone, called the customhouse, obtained a "free-entry" order. Liquor was not mentioned in that telephone conversation. The Congressman was thereupon passed, taking with him his four bottles of contraband.

In Washington later Congressman MORGAN said: "I did not bring in four bottles of liquor in my baggage. I never took a drink in my life." Meanwhile, among his House colleagues who vouched for Mr. MORGAN's personal dryness spread the report that his behavior on the Manhattan Pier was destined to protect another Congressman's wife from the humiliation of being caught with smuggled liquor.

In Manhattan United States District Attorney Tuttle started an investigation to test the veracity of a Congressman *v.* a Customs Inspector. Mr. MORGAN also voted for the 5 and 10 law in the House. Its penalties would fall upon any Congressman convicted of smuggling in liquor after March 2.

"I'M ALONE"

When the Canadian schooner *I'm Alone*, freighted with 2,800 cases of liquor to be smuggled into the United States, went down 200 miles off the Louisiana shore under United States Coast Guard gunfire last fortnight, international law experts were ready to stand up and cheer with delight (Time, April 1). Here was a case to argue endlessly. It bristled with fine points, with nice distinctions. Many an analogy was drawn between rum running in 1929 and African slave running in 1808. The United States Constitution permitted the importation of slaves until that year.

But the practical United States Government did not share in this delight of theorists. It sought only to justify the sinking legally, not morally. England, Canada, and France anxiously watched its efforts.

The international aspects of the case were:

Beyond the United States coast line lie three bodies of water; (1) from the shore to the 3-mile limit indisputably under United States jurisdiction; (2) from the 3-mile to the 12-mile limit, claimed by the United States for "search and seizure" under the 1922 tariff act, and, roughly, coextensive with the "one hour's sailing" distance granted under the United States ship liquor treaty with Great Britain; (3) the high seas beyond.

The United States claimed the *I'm Alone* was in body of water 2 (10.8 miles off shore) when picked up and pursued by the cutter *Walcott*. Captain John Thomas Randall, of the *I'm Alone*, insisted he was in body of water 3 (14 to 15 miles off shore) when spoken. The Treasury justified its pursuit as "hot and continuous" under the tariff act. Great Britain held that such pursuit could only begin within territorial waters (body of water 1), and could not reasonably extend beyond body of water 2.

Meanwhile, in Washington, Canadian Minister Vincent Massey took over the case from Sir Esme Howard, British Ambassador, because of the registry of the schooner. Secret notes and explanations passed back and forth between the United States Capital and Ottawa and London. Three United States departments puzzled over the problem, namely, State, Treasury, and Justice.

The case brought forth three suggestions from busy-bodied Members of Congress:

New York's Congressman, FISH, would have the United States purchase all British possessions around the Caribbean, on the theory that they are nothing but smugglers' nests.

Pennsylvania's Congressman, PORTER, would have the United States raise the *I'm Alone* to see if she carried narcotics as well as liquor.

Montana's Senator, WALSH, would submit the whole controversy to the World Court.

[From Washington Star, April 9, 1929]

DIPLOMATS READY TO FOREGO LIQUOR—WOULD STOP USE AT PUBLIC FUNCTIONS IF "HINT" CAME FROM PROPER QUARTER

By Frederic William Wile

On the highest authority it can be stated by this writer that if a "definite hint" on the subject were to come from "the proper quarter" Washington's diplomatic corps would in all probability abolish the serving of liquor at official functions. Gratifying as such a development might be, from the standpoint of those interested in prohibition-law observance, it may at once be stated—on equally good authority—that no such "hint" is likely to be forthcoming. The Hoover administration considers that the 55 embassies and legations in Washington are foreign soil inhabited by official foreigners living their own lives. If they confine the serving of liquor to those premises there is no probability whatever that they will be asked to desist.

The viewpoint of the diplomatic corps was sought because the opinion latterly has found expression in certain official quarters that it would be "a friendly gesture" for the Washington representatives of foreign governments to "do in Rome as the Romans do," viz, submit to the eighteenth amendment and the Volstead Act.

SENATOR SUGGESTS GESTURE

A distinguished Senator of the United States, influentially associated with our foreign relations, goes the length of saying he can imagine nothing that would make a more favorable impression on the American people.

"People living in another country are supposed to obey the latter's laws," he says bluntly. "I don't see why diplomats should expect or receive immunity regarding a law for the violation of which American citizens can now be sent to prison for five years and be fined $10,000."

During latter-day discussion of prohibition, especially since President Hoover called for the country's support on inauguration day, the question of bone-dry diplomatic dinners and receptions has been brought up within the corps. One or two envoys expressed a readiness to take the lead and henceforward serve liquor only within their own family or official circle. Other chiefs of mission demurred. They took the position that no discourtesy toward the United States is involved by adherence to age-old habits on their own "soil," and indicated decided disapproval of any scheme, voluntary or otherwise, to put legations and embassies on the water wagon. Yet the corps spokesman, with whom the whole subject has just been canvassed, is strongly of the opinion that if the President or the Secretary of State, either officially or informally, were to let it be known that public dispensation of drink by ambassadors and ministers is undesirable, the practice would automati-

cally cease. It would amount to "a royal command." Hardly any accredited envoy would care to flout it, no matter what his personal resentment might be.

FOUND LIQUOR FREELY USED

In this connection, diplomats recall the experience of a South American envoy, who presented his credentials at Washington within the past year. He came here with "ideals." He said he was going to live up to American laws and serve no intoxicants at his parties. He began entertaining along those lines. But soon, he claims, he found himself being entertained by high United States Government officials—including, it is said, at least one cabinet minister—at dinners where wine flowed freely. So he came to the conclusion that he would continue to "do as the Romans do," and serve liquor. He is still doing so.

Every foreign diplomat in Washington, inclusive of the ranks of chargé d'affaires and secretaries, has the right to import practically an unlimited quantity of liquor "for personal use." Probably 200 persons come within this privileged category. It is, of course, an open secret that these immunized foreigners do not bring in a grand total of many thousands of cases of liquor a year "for personal use" at all. They get it and serve it mainly for the consumption of American guests.

[From the Washington Daily News, Tuesday, April 16]

LEVIATHAN TO CARRY COMPLETE STORE OF LIQUOR ON RETURN—CAPTAIN ORDERED TO "STOCK UP ON EVERYTHING"—SURPLUS WILL BE THROWN OVERBOARD

CHERBOURG.—When the *Leviathan* makes her return voyage to New York she will be as wet as any ship afloat, with enough wine, brandy, whisky, and gin to satisfy the thirstiest of its passengers, it was said when the ship docked here to-day.

Capt. Harold Cunningham said he received wireless instruction from James I. Sheedy, executive manager of the United States Line, to stock up on everything before making the return trip. The only thing worrying the captain to-day was whether to take on his supply of wines at Cherbourg or at Southampton.

NO DRIER THAN USUAL

The eastward voyage was calm and uneventful. Passengers reported that it was no drier than usual and no wetter. Some passengers said it was "just like any American city." Others suggested liquor was available by the bootleg route.

Cunningham said the instructions from Sheedy were specific.

"We are to buy liquor for consumption on the trip to New York," Cunningham said, "and any surplus is to be thrown overboard before reaching the 12-mile limit. Also, liquor will have to be served only by individual order and not by the bottle, except wine, of course.

NO BAR ON BOARD

"No bar will be permitted aboard the vessel or any other vessel of the company. We are to seal our medicinal liquor stores before arriving at the 12-mile limit and carry no more in these stores than is allowed by the laws of the United States.

"The eastbound trips hereafter will continue to be technically dry and we are to take every precaution against bootlegging on board."

"The next westbound trip," the captain continued, "will serve as a test, and therefore we shall have to take all sorts of precautions to prevent overdrinking."

[From the Washington Daily News, Tuesday, April 16]

FLAPPERS WHO DON'T DRINK DON'T GET ANY "BOY FRIENDS," GIRL TESTIFIES AT INQUIRY—IF YOUTH CAN'T BRING HIS BOTTLE WHEN HE COMES TO CALL, "HE'S OFF YOU FOR GOOD AND WON'T COME AGAIN," EDUCATORS TOLD

CHICAGO.—A coroner's jury of Chicago educators to-day was pondering over the evidence of gin drinking by school children submitted in the inquest testimony of an 18-year-old factory girl.

"Believe me, if a girl doesn't drink she is not wanted in a party these days," said Virginia Graf, whose saucy smile and snapping black eyes lost none of their attractiveness as she faced the sextet of learned men—a sociologist from the University of Chicago, a psychologist from Northwestern University, a law professor, and three public-school superintendents.

CALLED AS WITNESS

Virginia was called as a coroner's witness in the death of George Lux, 25, who was killed in an auto accident on the way home from a roadhouse gin party, with nine boys and half a dozen girls, most of whom were in high school or the grades.

She told the educators quite nonchalantly that girls nowadays "have to drink" or lose their places in their social cliques.

"They think she's foolish and old-fashioned if she doesn't," said Virginia.

HAS TO HAVE BOTTLE

"But these parties," queried Prof. Samuel Stevens, who holds the chair of psychology at Northwestern, "must you girls go to them? Can't you entertain in your own homes?"

Virginia tossed her dark bobbed hair and shrugged her slender shoulders.

"Oh, yes," she said. "But if the boy friend can't bring his bottle he's off you for good and won't come again."

"Do you think a young man would have been killed at this party if all of you hadn't been drinking?" asked Coroner Herman Bundesen.

"I'll tell you," said Virginia, settling back in her chair. "I don't think the booze had anything to do with it. I think it was just George's time to die—and he was killed."

"You really think that?" interposed the psychology professor.

"Why, absolutely," said Virginia.

Coroner Bundesen recessed the inquest subject to call to give the jury of educators "a few days to ponder what our children are doing and thinking."

[From the Washington Times, Tuesday, April 16, 1929]

SENATOR BLEASE AND BOOZE FOR EMBASSIES AND LEGATIONS

Senator BLEASE is to enter upon a herculean legislative task in proposing to prohibit the importation of alcoholic liquors for foreign embassies and legations in Washington or to make these places "dry" through other methods.

Ambassadors and ministers of foreign countries here are getting accustomed to all sorts of freak stuff concerning prohibition, even to having their supplies held up by prohibition agents or policemen, but it is not likely that they are apprehensive as to going without choice alcoholic mixtures from other lands.

The South Carolina Senator, who frankly admits that he takes a drink of forbidden juice if he desires, may be engaging upon a program of helping to make our prohibition laws ridiculous, because he knows that it is quite unlikely that Congress will pass any legislation to deprive foreign representatives of whatever they want to eat or drink brought to them from other shores and used in their own buildings. Neither will Congress invite foreign governments to send teetotalers only here to represent them.

Fanaticism is playing a conspicuous part in prohibition in the United States, but it is impossible to believe that the most eminent fanatics would wish this country to undertake to regulate the personal habits of foreign representatives and violate international laws and agreements.

Down in South Carolina the majority of native sons and daughters would be horrified at the thought of eating snails, frogs' legs, caviar, and some of the Chinese foods we import, but they do not believe this country should attempt to prevent citizens of other nations enjoying such delicacies.

So it is difficult to understand how this new proposition of Senator BLEASE will enhance his popularity with the "folks at home."

Mr. BLEASE. Mr. President, the following is a letter received by me from a former officer of the marines:

NEW YORK, *April 13, 1929.*

DEAR SENATOR BLEASE: I am an ardent antiprohibitionist, since I like a drink myself and don't care if my fellowman has one. And I have noticed with interest your recent stand against allowing the foreign diplomats in Washington to have their liquor when the native American can not have his. I agree with you fully in this stand, but I can not see that you will have much success.

However, there is one place that prohibitionists have overlooked in their ardor to make the country dry. And that is the American legations and embassies in foreign countries. The parcels of ground on which our legations and embassies in these countries are located are considered American territory and are subjected only to the laws of America. They are considered inviolate when it comes to applying the laws of the individual countries in which these embassies and legations are located. Yet liquor is kept and openly served in every one of these places. These representatives of the American Government do not obey the eighteenth amendment. I have been in several of them and in every one liquor was served. In the American Legation at Peking, China, the American minister served liquor at every function, except those given for missionaries alone. He was free to serve liquor under the American flag, but just next door on the plot of ground occupied by the marines who guarded the legation, it was a court-martial offense to have liquor in your possession. I was an officer in the marine guard and I know exactly what I am talking about. It was a crime for the marines to have liquor, but it was a necessity for the personnel of the legation.

How can you expect foreign embassies in this country to obey the prohibition law when our own representatives in their countries do not obey the law of the country they represent?

No law that Congress can pass will have much effect on foreign representatives in this country, due to long-established custom of noninterference with such representatives, but Congress can pass a law requiring our own representatives in foreign countries to obey the prohibition law and, since these legations and embassies are considered American territory, the Anti-Saloon League can send a batch of snoopers to see that the law is enforced.

Do not our foreign ambassadors and ministers swear that they will obey and uphold the American laws?

Very truly yours,

——— ———.

SELECTION OF CENSUS EMPLOYEES

Mr. ASHURST submitted the following concurrent resolution (S. Con. Res. 3), which was referred to the Committee on Commerce:

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that in the selection of such persons as are to be employed without reference to civil service in the preparation of the fifteenth and subsequent decennial censuses, direct preference shall be given to the disabled veterans of wars in which the United States has been engaged.

HEARINGS BEFORE THE COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

Mr. KEYES submitted the following resolution (S. Res. 9), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Public Buildings and Grounds, or any subcommittee thereof, is authorized during the Seventy-first Congress to send for persons, books, and papers, to administer oaths, and to employ a stenographer, at a cost not exceeding 25 cents per 100 words, to report such hearings as may be had on any subject before said committee, the expense thereof to be paid out of the contingent fund of the Senate; and that the committee, or any subcommittee thereof, may sit during any session or recess of the Senate.

HEARINGS BEFORE THE COMMITTEE ON MINES AND MINING

Mr. ODDIE submitted the following resolution (S. Res. 10), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Mines and Mining, or any subcommittee thereof, be, and hereby is, authorized during the Seventy-first Congress to send for persons, books, and papers, to administer oaths, and to employ a stenographer, at a cost not exceeding 25 cents per 100 words, to report such hearings as may be had in connection with any subject which may be before said committee, the expenses thereof to be paid out of the contingent fund of the Senate; and that the committee, or any subcommittee thereof, may sit during the sessions or recesses of the Senate.

HEARINGS BEFORE THE COMMITTEE ON FOREIGN RELATIONS

Mr. BORAH submitted the following resolution (S. Res. 11), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Foreign Relations, or any subcommittee thereof, be, and hereby is, authorized during the Seventy-first Congress to send for persons, books, and papers, to administer oaths, and to employ a stenographer, at a cost not exceeding 25 cents per 100 words, to report such hearings as may be had in connection with any subject which may be before said committee, the expenses thereof to be paid out of the contingent fund of the Senate; and that the committee, or any subcommittee thereof, may sit during the sessions or recesses of the Senate.

RECOGNITION OF THE SOVIET GOVERNMENT OF RUSSIA

Mr. BORAH submitted the following resolution (S. Res. 12), which was referred to the Committee on Foreign Relations:

Resolved, That the Senate of the United States favors the recognition of the present Soviet Government of Russia.

SINKING OF STEAMER "VESTRIS"

Mr. WAGNER submitted the following resolution (S. Res. 13), which was referred to the Committee on Commerce:

Whereas on November 12, 1928, the steamship *Vestris*, outbound from the port of New York, foundered at sea with the loss of many lives; and

Whereas it is imperative that life and property be accorded the utmost attainable degree of safety from the perils of the sea: Therefore be it

Resolved, That a special select committee of five Senators, to be appointed by the President of the Senate, is authorized and directed (1) to collect, collate, coordinate, and make available to the Senate the results of the inquiry into the loss of the steamship *Vestris* conducted before Commissioner Francis A. O'Neill, of the United States District Court for the Southern District of New York, and the inquiry conducted by the Secretary of Commerce through the Steamboat Inspection Service of the Department of Commerce; (2) to make such further investigations of the sinking of the steamship *Vestris* and the rescue operations carried on in connection therewith as the committee shall deem advisable and necessary for the purposes of this resolution; (3) to investigate the adequacy of the present legal standards of safety of ship construction and operation; (4) to investigate the adequacy and efficiency of the Steamboat Inspection Service; (5) to investigate whether the laws governing liability for loss of life and property at sea, the laws and usages of salvage, and the laws, usages, and practices of the business of marine insurance tend to encourage the installation and utilization of devices and practices conducive to safety; and (6) to make a preliminary report of the results of its investigations as soon as practicable, to make further reports from time to time, but at least once during each regular session of the Senate, until it has completed its investigations, and to submit a final report to the Senate together with its recommendations for necessary legislation. The President of the Senate shall appoint members to fill any vacancies that may occur in the committee.

For the purposes of this resolution such committee or any duly authorized subcommittee thereof is authorized to hold hearings, to sit and act at such times and places during the sessions and recesses of the Senate in the Seventieth and succeeding Congresses until the final report is submitted, to employ such counsel, experts, and clerical, stenographic, and other assistants, to require by subpœna or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, and to take such testimony and make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of such committee, which shall not exceed $50,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

BELLIGERENT OPERATIONS IN FOREIGN COUNTRIES

Mr. KING submitted the following resolution (S. Res. 15), which was referred to the Committee on the Judiciary:

Whereas the Constitution invests Congress with the power:

"To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

"To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;

"To provide and maintain a Navy;

"To make rules for the government and regulation of the land and naval forces;

"To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions;

"To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress"; and

Whereas armed military and naval forces of the United States under the command of the President are carrying on belligerent operations in and against foreign countries with which Congress has not declared a state of war to exist: Now, therefore, be it

Resolved, That the Committee on the Judiciary examine into and report to the Senate upon the question whether or not the Executive, in the exercise of the powers invested in him by the Constitution, has the right to employ the armed military and naval forces of the United States to carry on belligerent operations in foreign countries in cases where Congress has not declared a state of war to exist or authorized the employment of the military or naval forces in or against such countries.

INVESTIGATION OF PATENT-OFFICE PROCEDURE

Mr. KING submitted the following resolution (S. Res. 16), which was referred to the Committee on Patents:

Whereas there are awaiting action in the United States Patent Office more than 95,000 applications for patents, many of which have been pending without action for from six to eight months; and

Whereas it usually requires from two to seven years after application for a patent to issue from the Patent Office, during which time the applicant is powerless to protect his invention against infringers, with the result that inventions which might be effective in promoting new industries often, because of the delay in the Patent Office, lose their effectiveness and value; and

Whereas the procedure of the Patent Office to determine priority of invention as between applicants claiming the same invention is unsatisfactory and expensive, and attempts to adjudicate valuable rights between parties without the procedure and facilities of equity courts of the United States, which permits such Patent Office practice to be abused by unscrupulous parties to exhaust the resources of bona fide inventors and to delay and prevent the issue of patents to applicants who are justly entitled thereto; and

Whereas the practice of the Patent Office in interference cases operates in many instances to cause forfeiture and abandonment of valid applications for patentable inventions; and

Whereas it is claimed that the present practice of the Patent Office tends to give undue advantage to unscrupulous persons who intervene dishonestly in order to prevent the issue of patents to competing inventions and who otherwise throw applications into interference in order to extort and exact money as an inducement to waive adverse claims; and

Whereas it is claimed that patents of great advantage to the industry and economy of the country have been and are being bought up by trusts and monopolies in order to prevent the use of such inventions by competitors, which practice results in the suppression of such inventions as far as service to the industries of the country is concerned; and

Whereas it is claimed that patented inventions affecting certain industries are by a system of exclusive cross licensing made the instruments of monopolistic domination of such industries: Now, therefore, be it

Resolved, That the President of the Senate appoint a special committee to consist of five Senators, which committee is authorized to investigate and appraise the present practice and procedure of the United States Patent Office, to discover any evils which may exist in relation thereto and particularly any evils which may exist with respect to the practice and procedure in interference cases, to study ways and means for revising and improving Patent Office procedure, to investigate the extent to which suppression of the use of patents and the cross licensing of patents contribute to monopoly or to the monopolistic control of industry; and to recommend such amendatory and corrective legislation as may be found to be necessary to correct abuses and to insure the maximum of protection to inventors, to scientists, and to the industries of the country; said committee is authorized to administer oaths, to send for persons and papers, to employ necessary clerical and technical assistance, to sit during the recesses of Congress, and is instructed to report at the first session of the Senate of the Seventy-first Congress.

THE OIL LANDS LEASING ACT

Mr. KING submitted the following resolution (S. Res. 17), which was referred to the Committee on the Judiciary:

Whereas the Constitution of the United States conferred upon Congress the sole power and authority to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and

Whereas under this authority Congress, soon after the formation of the Government, adopted a policy, which has been uniformly followed, for the sale or other disposition of the public lands to its citizens, thus encouraging the settlement, cultivation, and development of the same; and

Whereas pursuant to such policy, the law of May 16, 1866, was enacted by Congress under the terms of which all mineral lands on the public domain, both surveyed and unsurveyed, were made open to exploration, occupancy, and purchase by the citizens of the United States, or those who declared their intention to become such; and

Whereas under the operation of the homestead, preemption, and mineral laws of the United States, the Nation rapidly advanced in population, wealth, and mineral development, thereby justifying the said policy of encouraging private ownership of the public domain; and

Whereas under said policy and laws, oil and gas were discovered within said domain and located by prospectors, and were developed through their energy and enterprise, involving great expense and hazards, and the profits arising therefrom were employed in the channels of commerce and industry; and

Whereas under the administration of President Taft in 1909, because of the apprehension that the oil and gas reserves of the Nation were being exhausted, the unoccupied public domain, containing oil and gas, was reserved from further prospecting and location until Congress should otherwise provide; and

Whereas during a number of years following the administration of President Taft, Congress considered various measures providing for the development of oil, gas, and certain other mineral lands, under a system of public leases instead of location and sale as theretofore, and on February 25, 1920, passed an act entitled, "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," which said act declared that said deposits shall be subject to disposition, in the form and manner provided by said act, to citizens of the United States or associations of such persons, or corporations organized under the laws of the United States, or of any State or Territory, subject to the right of the United States to extract helium from all gas produced from such lands, and further providing details under which such rights so granted should be exercised; and

Whereas said leasing act became immediately effective and was duly and continuously administered in full accord with its terms and requirements by the administrations of Presidents Wilson, Harding, and Coolidge, under whose administrations many leases and nearly 40,000 prospecting permits upon oil and gas lands were granted to citizens and corporations applying and endowed by the said act, with the vested right to apply for and to be granted the same whenever upon investigation thereof they were found entitled thereto; that in prospecting upon said lands millions of dollars were expended by such permittees and their assigns and many applications for other permits were filed, and were undisposed of at the close of the said Coolidge administration; and

Whereas on the 12th day of March last the President announced to representatives of the press that "there will be no leases for disposal of Government-owned oil lands, no matter what category they might lie in of Government holdings or Government control, except those which may be mandatory by Congress. In other words, there will be complete conservation of Government oil in this administration"; and

Whereas said statement was immediately followed by departmental announcement of rules and regulations by the Secretary of the Interior designed to enforce said statement, under which department officials and agents are forbidden to accept or file any further applications for permits under said leasing act, while many of the permits granted have been and are being canceled, thus arresting the future operation of the said act and denying to citizens of the United States their right to apply for and secure permits and leases under the same. This procedure has summarily terminated the historic policy of the Government so far as it relates to oil and gas within the public domain, and will thus prevent the development of the same, and will deprive the United States and the States, respectively, of revenue and other benefits which they are now receiving and to which they are entitled under said leasing act; and

Whereas the total oil production from the public-domain States has been and is about 3 per cent of the Nation's total production, and will probably never exceed such percentage under the scale of development heretofore prevailing, while the gas production from said lands is unequal to the existing local demand for consumption, which demand is steadily increasing, so that the adoption of said alleged policy of conservation of said minerals will yield but negligible results, and by many is regarded as unjust to the people of said public-land States; and

Whereas the said leasing act in terms clothes all citizens of the United States with the right to apply for and receive permits to explore the public oil and gas lands and to obtain leases for the same upon discovery of oil or gas therein (which rights were conferred upon them in place of the rights of location, entry, and purchase thereof); that it is claimed that they can not be deprived of said rights except by congressional repeal of said act and with due regard to all rights acquired thereunder: Therefore be it

Resolved, That the Committee on the Judiciary is hereby directed to make full and complete inquiry and investigation as to the power and authority of the President to modify, suspend, or set aside said leasing act, or any act of Congress, by Executive statement or otherwise, or to deny to citizens of the United States the exercise of any rights granted them by said leasing act; and also to inquire into the power and authority of the Secretary of the Interior to promulgate or enforce orders, rules, or regulations designed to carry out said policy of the President announced on the 12th day of March, A. D. 1929, or to promulgate or enforce any orders, rules, or regulations to modify, suspend or set aside the said leasing act, or to deny to citizens of the United States the exercise of any right or rights granted to them by the said leasing act or by existing acts of Congress; and said committee is also directed to make such further inquiries and investigations concerning the subject matter of this resolution as in their opinion is essential or desirable for a complete understanding and report thereon, and to make full report to the Senate, together with its findings and conclusions in respect to such matters.

Said committee is authorized to send for persons, books, and papers, to administer oaths, to employ such clerical assistance as is necessary, to sit during any recess of the Senate, and at such places as it may deem advisable. Any subcommittee duly authorized thereto shall have the powers conferred upon the committee by this resolution.

The expenses of said investigation shall be paid out of the contingent fund of the Senate.

WITHDRAWAL OF PAPERS—SARAH A. COONS

On motion of Mr. BROOKHART, it was

Ordered, That the papers filed with the bill (S. 873, 62d Cong., 1st sess.) entitled "A bill granting an increase of pension to Sarah A. Coons" be withdrawn from the files of the Senate, no adverse report having been made thereon.

EIGHTH INTERNATIONAL DAIRY CONGRESS (H. DOC. NO. 6)

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Agriculture and Forestry:

To the Congress of the United States:

Pursuant to the authorization granted by Public Resolution No. 10, Seventieth Congress, approved February 25, 1928, my distinguished predecessor accepted the invitation of the British Government to appoint delegates on the part of the United States to the Eighth International Dairy Congress, held in Great Britain during June and July, 1928.

These delegates have now rendered a report of that congress in accordance with section 3 of the above-mentioned public resolution, and I therefore transmit herewith the original of that report.

HERBERT HOOVER.

THE WHITE HOUSE, *April 18, 1929.*

ADJOURNMENT TO MONDAY

Mr. WATSON. I ask unanimous consent that when the Senate concludes its business to-day it adjourn to meet on Monday next at 12 o'clock noon.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

PRECEDENCE OF FARM RELIEF BILL

Mr. NYE. I offer a resolution which I ask to have read and go over under the rule.

The Chief Clerk read the resolution (S. Res. 14) as follows:

Whereas one-third of the population of the United States, representing agriculture, the Nation's greatest and the basic industry, have waited over a decade for the relief which this Congress has been called into special session to enact; and

Whereas the embattled farmers have more capital invested in the farming industry than all business interests combined have invested in their industries, yet receive only one-ninth of the income of the country; and

Whereas other matters of varying importance may come before this body called into such special session: Therefore be it

Resolved, That no bills of any description shall be considered by this body unless by unanimous consent, until the matter of farm relief has been disposed of finally and that this body shall not turn aside from the primary purpose for which it has been called in special session or allow its energies to be diverted into other channels until pledges repeatedly made to agriculture have been redeemed.

The VICE PRESIDENT. The resolution will lie over, under the rule.

AMENDMENT TO RULE XXXVIII—OPEN EXECUTIVE SESSIONS

Mr. JONES. I give notice of an amendment which I intend to propose to the rules, and ask that it may be read.

The VICE PRESIDENT. Without objection, the clerk will read, as requested.

The Chief Clerk read as follows:

NOTICE TO AMEND RULE XXXVIII

I hereby give notice that on Monday, April 22, or as soon thereafter as may be possible, I shall move to amend paragraph 2 of Rule XXXVIII of the Standing Rules of the Senate, relating to proceedings on nominations in executive session, so as to make paragraph 2 of said rule read, as follows:

"2. Nominations shall be considered in open executive session unless the Senate, in closed executive session, shall by a majority vote determine that any particular nomination shall be considered in closed executive session. When nominations are so considered in closed executive session all information communicated or remarks made by a Senator when acting upon nominations concerning the character or qualifications of the person nominated shall be kept secret. If, however, charges shall be made against a person nominated, the committee may, in its discretion, notify such nominee thereof, but the name of the person making such charges shall not be disclosed. The fact that a nomination has been made, or that it has been confirmed or rejected, shall not be regarded as a secret; and all roll calls in closed executive session, together with a statement of the question upon which such roll calls are had, shall be published in the RECORD.

The VICE PRESIDENT. The notice will be printed in the RECORD.

EXECUTIVE SESSION

Mr. WATSON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened; and (at 12 o'clock and 30 minutes p. m.) the Senate adjourned, the adjournment being, under the order previously entered, until Monday, April 22, 1929, at 12 o'clock meridian.

PRESERVATION AND EXTENSION OF THE SOCKEYE SALMON FISHERIES IN THE FRASER RIVER SYSTEM

In executive session this day, on motion of Mr. JONES, the following convention was ordered to be made public:

To the Senate:

With a view to receiving the advice and consent of the Senate to its ratification, I transmit herewith a convention between the United States and His Majesty the British King for and in respect of the Dominion of Canada, looking to the protection, preservation, and extension of the sockeye salmon fisheries in the Fraser River system, signed at Washington on March 27, 1929.

HERBERT HOOVER.

THE WHITE HOUSE, *April 18, 1929.*

The President:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a convention between the United States and His Majesty the British King for and in respect of the Dominion of Canada, looking to the protection, preservation, and extension of the sockeye salmon fisheries in the Fraser River system, signed at Washington on March 27, 1929.

Respectfully submitted.

HENRY L. STIMSON.

(Enclosure: Sockeye salmon fisheries convention, signed at Washington, March 27, 1929.)

DEPARTMENT OF STATE,
Washington, April 15, 1929.

The President of the United States of America and His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, recognizing that the protection, preservation and extension of the sockeye salmon fisheries in the Fraser River system are of common concern to the United States of America and the Dominion of Canada; that the supply of this fish in recent years has been gravely depleted and that it is of the utmost importance in the mutual interest of both countries that this source of wealth should be restored and maintained, have resolved to conclude a convention and to that end have named as their respective plenipotentiaries;

The President of the United States of America:

Mr. Frank B. Kellogg, Secretary of State of the United States of America; and

His Majesty, for the Dominion of Canada:

The Honourable Charles Vincent Massey, P. C., His Envoy Extraordinary and Minister Plenipotentiary for Canada at Washington;

Who, after having communicated to each other their full powers, found in good and due form, have agreed upon the following Articles:

ARTICLE I

The provisions of this Convention and the regulations issued pursuant thereto shall apply to the Fraser River and the streams and lakes tributary thereto and to all waters frequented by sockeye salmon included within the following boundaries:

Beginning at Carmanah Lighthouse on the southwest coast of Vancouver Island, thence in a straight line to a point 3 marine miles due west astronomic from Tatoosh Lighthouse, Wash., thence to said Tatoosh Lighthouse, thence to the nearest point of Cape Flattery, thence following the southerly shore of Juan de Fuca Strait to Point Wilson, on Quimper Peninsula, thence in a straight line to Point Partridge on Whidbey Island, thence following the western shore of the said Whidbey Island, to the entrance to Deception Pass, thence across said entrance to the southern side of Reservation Bay, on Fidalgo Island, thence following the western and northern shore line of the said Fidalgo Island to Swinomish Slough, crossing the said Swinomish Slough, in line with the track of the Great Northern Railway, thence northerly following the shore line of the mainland to Atkinson Point at the northerly entrance to Burrard Inlet, British Columbia, thence in a straight line to the southern end of Bowen Island, thence westerly following the southern shore of Bowen Island to Cape Roger Curtis, thence in a straight line to Gower Point, thence westerly following the shore line to Welcome Point on Seechelt Peninsula, thence in a straight line to Point Young on Lasqueti Island, thence in a straight line to Dorcas Point on Vancouver Island, thence following the eastern and southern shores of the said Vancouver Island to the starting point at Carmanah Lighthouse as shown on the United States Coast and Geodetic Survey Chart No. 6300, as corrected to October 20, 1924, and on the British Admiralty Chart No. 579.

The high contracting parties engage to have prepared as soon as practicable charts of the waters described in this article, with the above-described boundaries and the international boundary line indicated thereon. They further agree to establish within the territory of the United States and the territory of the Dominion of Canada such buoys and marks for the purposes of this convention as may be recommended by the commission hereinafter authorized to be established, and to refer such of these recommendations as relate to points on the boundary to the International Boundary Commission, United States-Alaska and Canada, for action pursuant to the provisions of the treaty respecting the boundary between the United States and Canada signed February 24, 1925.

ARTICLE II

The high contracting parties agree to establish and maintain a commission to be known as the International Pacific Salmon Fisheries Commission, hereinafter called the commission, consisting of six members, three on the part of the United States of America, and three on the part of the Dominion of Canada.

The commissioners on the part of the United States shall be appointed by the President of the United States, and the Commissioner of Fisheries of the United States shall be one of them. The commissioners on the part of the Dominion of Canada shall be appointed by His Majesty on the recommendation of the governor general in council.

The commission shall continue in existence so long as this convention shall continue in force, and each high contracting party shall have power to fill and shall fill from time to time vacancies which may occur in its representation on the commission in the same manner as the original appointments are made. Each high contracting party shall pay the salaries and expenses of its own commissioners, and the joint expenses incurred by the commission shall be paid by the two high contracting parties in equal moities.

ARTICLE III

The commission shall make a thorough investigation into the natural history of the Fraser River sockeye salmon, into hatchery methods, spawning ground conditions, and other related matters. It shall conduct the sockeye salmon fish-cultural operations in the area described in Article I, and to that end it shall have power to improve spawning grounds, acquire, construct, and maintain hatcheries, rearing ponds, and other such facilities as it may determine to be necessary for the propagation of sockeye salmon in the waters covered by this convention, and to stock the waters with sockeye salmon by such methods as it may determine to be most advisable. The commission shall also have authority to recommend to the two Governments the removal of obstructions to the ascent of sockeye salmon in the waters covered by this convention, that may now exist or may from time to time occur, and to improve conditions for the ascent of sockeye salmon, where investigation may show such to be desirable. The commission shall report annually to the two Governments what it has accomplished and the results of its investigations.

The cost of all such work shall be borne equally by the two Governments, and the said Governments agree to appropriate annually such money as each may deem desirable for such work in the light of the reports of the commission.

ARTICLE IV

The International Salmon Fisheries Commission established pursuant to Article II of this convention is hereby empowered, between the 1st day of June and the 20th day of August in any year, for the whole or any part of the aforesaid period, to limit or prohibit the taking of sockeye salmon in respect of all the waters described in Article I of this convention or in respect of waters of the United States and Canadian waters separately, provided that when any order is adopted by the commission limiting or prohibiting the taking of sockeye salmon in regard to waters of the United States or Canadian waters separately it shall extend to all of the waters of the United States or Canadian waters to which this convention applies, and provided further that no order limiting or prohibiting the taking of sockeye salmon adopted by the International Salmon Fisheries Commission shall be construed to suspend or otherwise affect the requirements of the laws of the State of Washington or of the Dominion of Canada to the procuring of a license to fish in the waters on their respective sides of the boundary line. Any order adopted by the commission limiting or prohibiting the taking of sockeye salmon in said waters during said period, or any part thereof, shall remain in full force and effect unless and until the same be modified or set aside by the commission. The taking of sockeye salmon in said waters during said period in violation of the orders of the commission adopted from time to time is hereby prohibited.

ARTICLE V

In order to secure a proper escapement of sockeye salmon during the spring or chinook salmon fishing season, the International Salmon Fisheries Commission may prescribe the size of the meshes in all fishing gear and appliances operated in the waters described in Article I of this convention which are frequented by sockeye salmon.

Whenever the taking of sockeye salmon in said waters during said period between the 1st of June and the 20th of August in any year is permitted under the orders adopted by the commission in respect of waters of the United States, any fishing appliance legally authorized by the State of Washington may be used in such waters by any person thereunto authorized by that State, and whenever the taking of sockeye salmon in said waters during said period is permitted under the orders adopted by the commission in respect of Canadian waters any fishing appliances authorized by the laws of the Dominion of Canada may be used in such waters by any person thereunto legally authorized.

ARTICLE VI

No action taken by the commission under the authority of Articles IV and V of this convention shall be effective unless it is affirmatively voted for by at least two of the Commissioners from each country.

ARTICLE VII

Inasmuch as the purpose of this Convention is to establish for the High Contracting Parties, by their joint effort and expense, a fishery that is now largely nonexistent, each of the High Contracting Parties should share equally in the fishery. The Commission shall, consequently, in regulating the fishery do so with the object of enabling, as nearly as they can, an equal portion of the fish that is allowed to be caught each year to be taken by the fishermen of each High Contracting Party.

ARTICLE VIII

Each High Contracting Party shall be responsible for the enforcement of the regulations provided by the Commission in the portion of their respective waters covered by the Convention, and to this end they agree to enact and enforce such legislation as may be necessary to make effective the provisions of this Convention, with appropriate penalties for violations thereof.

ARTICLE IX

The present Convention shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by His Majesty in accordance with constitutional practice, and it shall become effective upon the date of the exchange of ratifications which shall take place at Washington as soon as possible and shall continue in force for a period of sixteen years, and thereafter until one year from the day on which either of the High Contracting Parties shall give notice to the other of its desire to terminate it.

In witness whereof, the respective plenipotentiaries have signed the present Convention, and have affixed their seals thereto.

Done in duplicate at Washington, the twenty-seventh day of March, one thousand nine hundred and twenty-nine.

NOMINATIONS

Executive nominations received by the Senate April 18, 1929

UNITED STATES DISTRICT JUDGES

A. Lee Wyman, of South Dakota, to be United States district judge, district of South Dakota. (Additional position.)

J. Lyles Glenn, of South Carolina, to be United States district judge for the eastern and western district of South Carolina. (Additional position.)

John M. Woolsey, of New York, to be United States district judge, southern district of New York. (Additional position.)

Francis G. Caffey, of New York, to be United States district judge, southern district of New York. (Additional position.)

Clarence G. Galston, of New York, to be United States district judge, eastern district of New York. (Additional position.)

Alfred C. Coxe, of New York, to be United States district judge, southern district of New York. (Additional position.)

UNITED STATES CIRCUIT JUDGES

Orie L. Phillips, of New Mexico, to be United States circuit judge, tenth circuit. (New position.)

George T. McDermott, of Kansas, to be United States circuit judge, tenth circuit. (New position.)

Curtis D. Wilbur, of California, to be United States circuit judge, ninth circuit. (Additional position.)

Archibald K. Gardner, of South Dakota, to be United States circuit judge, eighth circuit. (Additional position.)

JUSTICE OF THE SUPREME COURT OF THE DISTRICT OF COLUMBIA

Alfred A. Wheat, of New York, to be a justice of the Supreme Court of the District of Columbia. (Additional position.)

CONFIRMATION

Executive nomination confirmed by the Senate April 18, 1929

COMMISSIONER OF INDIAN AFFAIRS

Charles J. Rhoads, of Pennsylvania, to be Commissioner of Indian Affairs.